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Thursday
March 19, 1992

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

ST. LOUIS, MO

WHEN: April 23; at 9:00 a.m.
WHERE: Room 1612, Federal Building, 1520 Market Street, St. Louis, MO
RESERVATIONS: Call the Federal Information Center
St. Louis: 1–800–366–2998
Missouri (outside St. Louis): 1–800–735–8004

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 519

Publication of Rules Affecting the Public

AGENCY: Department of the Army, DoD.

ACTION: Withdrawal of rule.

SUMMARY: The purpose of this document is to withdraw the revision of 32 CFR part 519 which appeared in the Federal Register on December 16, 1991 (56 FR 65392). The reason for withdrawing this revision is to effect further staffing within the Department of the Army and to secure legal approval from the Office of the Army Staff Judge Advocate. A revision of 32 CFR part 519 will be published at a later date as a final rule.

EFFECTIVE DATE: The revision of 32 CFR part 519 published at 56 FR 65392 is withdrawn March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Denton, U.S. Army Publications and Printing Command, Attn: ASQZ–PD–SS, room 1050, Hoffman Building I, Alexandria, VA 22331–0302, (703) 325–6277.

SUPPLEMENTARY INFORMATION: The document published at 56 FR 56392 announced a revision of Army Regulation 310–4, Publication of Rules Affecting the Public. It was to bring the AR in line with policy and program proponency changes and the reorganization of Headquarters, Department of the Army. It prescribed procedures and responsiblities for publishing certain Department of the Army policies, practices, and procedures in the Federal Register as required by statute, and for inviting public comment thereon, as appropriate.

List of Subjects in 32 CFR Part 519

Administrative practice and procedures.

Under the Secretary's authority, 44 U.S.C. chapter 15, the revision to 32 CFR part 519 published at 56 FR 65392 is withdrawn.

Gregory D. Showalter,
Alternate Army Federal Liaison Officer.
[FR Doc. 92–6314 Filed 3–13–92; 3:16 pm]
BILLING CODE 3710–08–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 4116–3]

Minnesota: Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Minnesota has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA" or the "Act"). The Environmental Protection Agency (EPA) has reviewed Minnesota's application and has reached a decision, subject to public review and comment, that these hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Minnesota to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA").

EFFECTIVE DATE: Final authorization for Minnesota's program revisions shall be effective May 18, 1992 unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Minnesota's final authorization must be received by 4:30 p.m. central time on April 20, 1992. If an adverse comment is received, EPA will publish either (1) a withdrawal of this immediate final rule or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

ADDRESSES: Copies of Minnesota's final authorization application are available during 9 a.m. to 4 p.m. at the following addresses for inspection and copying: Ms. Carol Nankivel, Supervisor, Rules Unit, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, Phone 612/297–8369; Ms. Christine Klemme, U.S. EPA, Region V, Office of RCRA, 77 W. Jackson, 7th Floor, Chicago, Illinois 60604, Phone 312/886–3715. Written comments should be sent to Ms. Christine Klemme, Program Management Branch, Office of RCRA, 77 W. Jackson, 5HRM–7], Chicago, Illinois 60604, Phone 312/886–3715.

FOR FURTHER INFORMATION CONTACT: Christine Klemme, Minnesota Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Office of RCRA, Program Management Branch, Regulatory Development Section, 5HRM–7], 77 W. Jackson, Chicago, Illinois 60604, (312) 886–3715 [FTS 8 886–3715].

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. For further explanation, see section C of this notice.

In accordance with 40 CFR 271.21(a), revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR parts 124, 260–268 and 270.

B. Minnesota

Minnesota initially received final authorization for its base RCRA program effective on February 11, 1985 (see 50 FR 3756, January 28, 1985). On June 30, 1986, January 29, 1988, November 18, 1988, November 21, 1989, and January 22, 1991, Minnesota submitted revision applications for program approval. Effective on September 18, 1987, June 23, 1989, August 14, 1990, and August 23, 1991, (see 52 FR 27190, July 20, 1987; 54 FR

16361, April 24, 1989; 55 FR 24232, June 15, 1990, and 56 FR 28709, June 24, 1991, respectively), Minnesota received authorization for additional program revisions.

Minnesota submitted an additional revision application on June 28, 1991. EPA reviewed this application and upon receipt of the signed Attorney General's statement on December 3, 1991, made an immediate final decision that Minnesota's hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Minnesota final authorization for this additional program revision.

On May 18, 1992 (unless EPA publishes a prior FR action withdrawing this immediate final rule), Minnesota will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous state authority
Reportable Quantity Adjustment—Methyl Bromide Production Wastes, October 6, 1989, (54 FR 41402) *.	MN 7045.0135(3)(e), 7045.0139(2)(b), effective 8/12/91.
Reportable Quantity Adjustment—Chlorinated Aliphatic Hydrocarbons, December 11, 1989, (54 FR 50968) *.	MN 7045.0135(2), 7045.0139(2), 7045.0141(2), effective 8/12/91.
Double Liners, Correction, May 9, 1990, (55 FR 19262) *.	MN 7045.0532(3)(C), effective 12/18/91.
—Mining Waste Exclusion I, September 1, 1989, (54 FR 36592).	MN7045.0102(2), 7045.0135(3), effective 8/12/91.
—Mining Waste Exclusion II-(Bevill), January 23, 1990, (55 FR 2322).	MN 7045.0020(15), 7045.0120(I), MN 7045.0265(4), effective 8/12/91.
—Modification of F019 Listing, February 14, 1990, (55 FR 5340).	MN 7045.0135(2)(M), effective 8/12/91.
—Financial Responsibility: Settlement Agreement (as amended), June 26, 1990, (55 FR 25976).	MN 7045.0488, 7045.0596, effective 4/28/87.
Corrections: Definition of Solid Waste, April 11, 1985, (50 FR 14216), and August 20, 1985, (50 FR 33541).	MN 7045.0020; 7045.0075 (3) & (4), 7001.0700; 7045.0135, effective 2/17/86.
Correction: Biennial Reports, August 8, 1986, (51 FR 28556) *.	MN 7045.0482(2) and 7045.0588, effective 4/13/87.

* indicates HSWA provisions.

EPA shall administer any RCRA hazardous waste permits or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on February 11, 1985, September 18, 1987, June 23, 1989, August 14, 1990, and August 23, 1991, the effective dates of Minnesota's final authorization for the RCRA base program and for rules in non-HSWA Clusters I–VI and HSWA I and II.

Minnesota is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Effect of HSWA on Minnesota's Authorization

1. General

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, or entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA carries out those requirements and prohibitions directly in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there is a dual State/Federal regulatory program in Minnesota. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Minnesota until the State is authorized for them.

Once EPA authorizes Minnesota to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Minnesota's program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified in the "Minnesota" section of this notice. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus regulated handlers must comply with any more stringent State requirements.

EPA published a FR notice explaining in detail the HSWA and its affect on authorized States (50 FR 28702–28755, July 15, 1985).

2. Land Disposal Prohibitions

EPA does not intend to authorize Minnesota to impose additional land disposal prohibitions at this time. The regulations implementing the land disposal prohibitions are found in 40 CFR part 268.

D. Decision

I conclude that Minnesota's program revision application meets all the statutory and regulatory requirements established by RCRA and its amendments. Accordingly, EPA grants Minnesota final authorization to operate its hazardous waste program as revised. Minnesota currently has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. This responsibility is subject to the limitations of its program revision applications and previously approved authorities. Minnesota also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under section 3008, 3013, and 7003 or RCRA.

E. Codification

EPA codifies authorized State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of the Minnesota program will be completed at a later date.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Minnesota's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information requests contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

Lists of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b)).

Dated: March 13, 1992.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 92-6387 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 7534]

Federal Insurance Administration; Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR part 59 *et seq.*) Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard area in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance with the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 64.6 List of eligible communities.

* * * * *

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistant no longer available in special flood hazard areas
Region II				
New York, Greenwich, town of, Washington County..	361233	Feb. 14, 1977, Emerg.; July 3, 1986, Reg.; Mar. 16, 1992, Susp.	March 16, 1992	March 16, 1992.
Region III				
West Virginia, Clarksburg, city of, Harrison County.....	540056	Sep. 18, 1973, Emerg.; Feb. 15, 1978, Reg.; March 16, 1992, Susp.	.....do	Do.
Region V				
Ohio, Highland Heights, city of, Cuyahoga County.....	390110	Nov. 10, 1976, Emerg.; June 1, 1979, Reg.; Mar. 16, 1992, Susp.	.....do	Do.
Region IX				
Nevada, Elko County, unincorporated areas	320027	June 23, 1978, Emerg.; Feb. 1, 1984, Reg.; Mar. 16, 1992, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: March 6, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-6313 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-302; RM-7826]

Radio Broadcasting Services; Fountain, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 241C3 for Channel 241A at Fountain, Colorado, and modifies the permit for Station KBIQ(FM) to specify operation on the higher-powered channel, as requested by Hubbard Broadcasting, Inc. See 56 FR 55649, October 29, 1991. Coordinates for Channel 241C3 at Fountain are 38-44-47 and 104-51-37. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-302, adopted February 28, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.303 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 241A and adding Channel 241C3 at Fountain.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-6453 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children (WIC); Enhanced Food Package for Breastfeeding Women

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend regulations governing the Special Supplemental Food Program for Women Infants and Children (WIC) to better assist breastfeeding WIC participants. The Food and Nutrition Service (FNS) proposes that a separate enhanced WIC food package (Food Package VII) be made available to breastfeeding women whose infants do not receive formula from the WIC Program. The current types and quantities of supplemental foods will be retained in Food Package V for pregnant women and for women who are supplementing breastfeeding with any amount of formula provided by WIC. The proposed Food Package VII would contain the same supplemental foods as are currently available to breastfeeding women in Food Package V with augmented amounts of juice, cheese, legumes (beans, peas and peanut butter) and with the addition of two new items: canned tuna and carrots.

DATES: To be assured of consideration, comments on this rule must be received on or before May 4, 1992.

ADDRESSES: Comments should be sent to Ronald J. Vogel, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia 22302. Comments on this rule should be clearly labeled "Food Package for Breastfeeding Women Rule." All written comments will be available for public inspection during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at the office of the Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Chief, Program and Policy Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia 22302, (703) 305-2730.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This proposed rule has been reviewed under Executive Order 12291, and has been determined to be not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to that review, the Administrator of the Food and Nutrition Service has certified that this proposed rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rulemaking imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12372

The Special Supplemental Food Program for Women, Infants and Children (WIC) is listed in the Catalog of Federal Domestic Assistance Programs under 10.557 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and final rule-related notice at 48 FR 29114 (June 24, 1983)).

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any state or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the "Effective Date" section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the WIC Program, the administrative procedures are as follows: (1) Local agencies and vendors—State agency hearing procedures issued pursuant to 7 CFR 246.18; (2) applicants and participants—State agency hearing procedures issued pursuant to 7 CFR 246.9; and (3) sanctions against State agencies (but not claims for repayment assessed against a State agency) pursuant to 7 CFR 246.19—administrative appeal in accordance with 7 CFR 246.22. (4) procurement by State or local agencies—administrative appeal to the extent required by 7 CFR 3016.36.

The Department's Support of Breastfeeding

The Department is strongly committed to the support of breastfeeding. Support of breastfeeding is a priority for many public health programs, including the WIC Program. Nutritional and medical research has shown that there is no better food than breast milk for a baby's first year of life (Institute of Medicine Report, Nutrition During Lactation, 1991). Since a major goal of the WIC Program is to improve the nutritional status of infants, WIC mothers are encouraged to breastfeed their infants. Alarmingly, despite efforts to promote breastfeeding among this target population, decreases in the incidence and duration of breastfeeding have recently been documented among low-income populations in the United States (Institute of Medicine Report, Nutrition During Lactation, 1991). To respond to this trend, the Administration

established as a national goal the improvement of the incidence and duration of breastfeeding in "Healthy People 2000—National Health Promotion and Disease Prevention Objectives." In support of the Healthy People 2000 breastfeeding goals and to tailor food assistance to breastfeeding women, the Department proposes a new WIC food package—Food Package VII.

This proposal is but one of several of the Department's initiatives underway to further promote breastfeeding. These initiatives are briefly discussed in appendix I to this preamble.

Background

The authorizing legislation for the WIC Program, section 17 of the Child Nutrition Act of 1966, as amended (CNA), (42 U.S.C. 1786), established the WIC Program to provide supplemental foods and nutrition education to low income pregnant, breastfeeding, and postpartum women, infants, and children up to age 5 who are at nutritional risk. The Program also serves as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems and to improve the health status of Program participants.

The CNA clearly established the WIC Program as "supplemental" in nature; that is, the WIC food packages, including the new Food Package VII designed for breastfeeding women whose infants receive no formula from the WIC Program, are not intended to provide a complete diet but are designed to provide additional wholesome foods needed for a balanced diet. In addition to WIC, the Department administers a variety of other complementary food assistance programs which can work together to provide a more nutritious diet to needy Americans. The largest of these programs, the Food Stamp Program, provides general food assistance in the form of food stamps which are used to increase the food buying power of low income households. The National School Lunch Program and the School Breakfast Program provide free and reduced price meals to low income children in school. Also, the Child and Adult Care Food Program provides meals to persons in child and adult care centers and family day care homes. A variety of commodity donation programs are also available to low income persons.

In addition to food assistance, WIC provides nutrition education to participants. The nutrition education provided by WIC enables participants to make informed decisions in choosing foods which, together with the supplemental foods contained in the WIC food packages, can meet their total dietary needs.

Section 17(b)(14) of the CNA defines "supplemental foods" as "those foods containing nutrients determined by nutritional research to be lacking in the diets of pregnant, breastfeeding, and postpartum women, infants, and children, as prescribed by the Secretary." This legislation provides substantial latitude to the Department in designing WIC food packages, but obligates the Department to prescribe foods which effectively supply those nutrients critical to growth and development and which are typically lacking in the diets of the WIC eligible population. The Department has designed the WIC food packages based on nutritional research and input from various sources, including State and local agencies, the health and scientific communities, industry and the general public.

Food Package History

Food package requirements appear in 7 CFR 246.10 of the WIC Program regulations. The Department created six different monthly packages in a 1980 rulemaking (45 FR 74854 (1980)): One for infants 0–3 months, one for infants 4–12 months, one for children and women with special dietary needs, one for children 1–5 years of age, one for pregnant and breastfeeding women, and one for nonbreastfeeding postpartum women. These packages were designed to help meet participants needs and to follow current medical and nutritional guidance; complement the eating patterns of preschool children; and address the special requirements of pregnant and breastfeeding women. As described in the 1980 final rule (45 FR 74854), the current food packages were initially designed and adopted with five considerations in mind. These considerations, listed below, are still valid in guiding decisions concerning food package changes. They should be kept in mind while commenting on this proposal.

1. Nutritional Integrity

Great consideration is given to the provision of foods that are rich sources of the nutrients that tend to be lacking in the diets of the WIC eligible population. The original legislation for the WIC Program, the Child Nutrition Act of 1966, as amended by the 1972 School Lunch Program—Summer Food Service Act (Pub. L. 92–433), specifically identified protein, iron, calcium and vitamins A and C as the target nutrients for WIC participants. However, subsequent legislation in 1975 (Pub. L. 94–105) and 1978 (Pub. L. 95–627) deleted the references to specific target nutrients and instead directed the Department to prescribe appropriate nutrients. The Department, consistent with this legislation, determined in October of 1978 that the original five target nutrients continued to be lacking among the WIC eligible population. The Department made this determination through an ongoing examination of nutritional research and with the assistance of State and regional representatives, representatives of industry, the nutrition community, advocacy groups, and program participants.

Given the supplemental nature of the WIC Program, the food packages are not intended to supply 100 percent of the Recommended Dietary Allowances (RDAs) of each specified nutrient, nor are they intended to meet any pre-established goals for RDAs. As mentioned previously, participants are expected to obtain the remainder of the RDAs from other food sources. These, in some cases, could include foods provided through the Department's other food assistance programs. However, the packages do provide categories of foods which are high in one or more of the previously targeted nutrients and are capable of providing a substantial portion, and in some instances the entire amount, of the RDAs for the targeted nutrients.

1. Fat, Sugar, and Salt Content

The fat, sugar and salt content of WIC foods is a consideration which is required by statute. Section 17(f)(12) of the CNA, among other provisions, directs the Department to assure that, to the extent possible, the fat, sugar and salt content of WIC foods is appropriate. Several changes made to the WIC food packages in the 1980 rulemaking responded specifically to this mandate. For example, the Department established a limit on the amount of sugar permitted in WIC cereals.

Additionally, FNS policy guidance permits WIC State agencies to issue low fat, low cholesterol and low sodium forms of WIC cheeses to participants. Further, the Department encourages local program administrators to tailor the WIC food packages to meet the individual nutritional needs of participants and, when appropriate, to adjust the types of WIC foods prescribed to help reduce the amount of fat, cholesterol, sodium and sugar the WIC food packages contribute to the diet. Through WIC nutrition education, participants also receive advice on how to further minimize intakes of fat,

cholesterol, sodium and sugar and how to include adequate amounts of vegetables, fruits and whole grain products in their diets.

3. Cost

Aside from considerations which are specified in legislation, a prime consideration in any food package design is cost. The Department is committed to serving as many eligible persons as possible while maintaining the nutritional integrity of the program. WIC is not an entitlement program, and the number of potentially eligible individuals who can be served is determined by the amount of money appropriated by Congress. Therefore, efficiency in providing nutrients is important because increases in the total cost of the food packages reduce the number of participants served by the program. The packages are designed to encourage further cost control by permitting State and local agencies the flexibility to specify lower cost food brands, types and container sizes within regulatory parameters.

4. Practicality

The food packages are designed to address a number of practical considerations which reflect participant and program needs. The WIC foods should be readily available, offer variety and versatility to participants, be relatively nutrient dense, and have broad appeal. The WIC food package is an individual food prescription which, in order to have full effect in improving nutritional status, is intended to be consumed by the participant only and not other family members. Thus, a consideration in the selection of a WIC food is its potential for inappropriate sharing.

Further, the foods should generally be of dometic origin with minimal processing. The WIC Program, along with other food assistance programs administered by the Department, participates in a longstanding partnership with American agriculture and endeavors to provide foods which support the nation's farming industry.

Lastly, the packages should be administratively manageable for State and local agencies and vendors.

5. Food Package Quantities and Cultural Eating Patterns

The quantities of foods provided by a food package and participants' cultural eating patterns are also significant. State and local agencies are permitted flexibility in such aspects of the food pacakges as well. The quantities in the packages are expressed as maximum levels which must be made available to participants as needed to supplement their diets. However, State and local agencies have the authority to tailor quantities according to the needs of individual participants or categories of participants when based on a sound nutritional rationale. These tailoring provisions, established in program regulations (7 CFR 246.10) and supplemented by FNS Insruction 804–1 "WIC Program—Food Package Design: Admnistrative Adjustments and Nutrition Tailoring," are designed to permit State and loal agencies to implement their own nutrition policies and philosophies within the parameters of food package requirements. Section 17(b)(14) of the CNA and § 246.10(c)(7) of the WIC Program regulations also give the Department the authority to approve substitution of foods by State agencies which allows for different cultural eating patterns under certain circumstances. State agencies must demonstrate that the substitute foods are nutritionally equivalent to those in the food package established by the Department.

Currently, WIC food packages are sufficiently flexible to meet the special needs of homeless persons in most instances. WIC State agencies have devised creative ways to accommodate homeless WIC participants within the framework of the existing WIC food package requirements. For example, some States provide WIC foods such as juice, cereal, cheese, and milk in smaller pacakge sizes and issue more food instruments, each for a smaller part of the total food package, so that the homeles can acquire WIC foods in smaller quantities, thus reducing the need for convential storage facilities.

Summation of Comments on Proposed Food Package VII Considerations

The proposed Food Package VII was developed based on comments rceived on a Notice of Intent to Propose Rulemaking and Solicitation of Comments published in the **Federal Register** on December 2, 1991 (56 FR 61185). The majority of the 83 comments received during the 30-day comment period strongly supported an enhanced food package for breastfeeding women.

Commenters in support of an enhanced food package consistently expressed concern about the special nutritional needs of the exclusively breastfeeding woman as a basis for the creation of an enhanced food package. Many commenters referred to publications and cited the content of these publications. For example, one State agency mentioned that data from a Nationwide Food Consumption Survey (NFCS), 1980–85, indicate that many nutrients are often lacking in the diets of breastfeeding women in the first 6 months postpartum. The commenter also referred to the Institute of Medicine Report, Nutrition During Lactation, which notes that nutrients such as calcium and vitamin A are likely to be consumed in lower amounts by lactating women. Another State agency recommended that the Department propose a new WIC food package for exclusively breastfeeding women to increase the percentage of nutrients provided to lactating women. Further, the majority of commenters referred to increased nutrient and caloric needs of breastfeeding women, particularly those who exclusively breastfeed. Most suggested tuna, increased quantities of legumes (beans, peas and peanut butter) and carrots for inclusion in the food package.

One commenter stated that the adequacy of vitamin A in the diet of breastfeeding women depends upon WIC participant choices within the categories of WIC approved juices and fortified cereals. The commener referred to an analysis of the WIC package in July 1991 which showed that it provides a maximum of 85.6% of the (RDA) of vitamin A for breastfeeding women. The cereal used in this analysis "provided 25% of the RDA." The juice selected for this study was the only WIC juice that contains an appreciable amount of vitamin A. The commenter also believed that a woman's intake of this vitamin could be well below 85.6% of the RDA should she choose one of several approved WIC-approved cereals that contain no vitamin A and a juice that contains little or no vitamin A. Many commenters felt that adding sources of this vitamin could be constructive.

One State agency commented extensively on how to better meet the nutritional needs of exclusively breastfeeding women by providing foods rich in nutrients such as protein and iron. Its rationale was based on the National Research Council's Recommended Dietary Allowances, 10th edition, 1989 (RDA). Another State agency noted that "the National Research Council reports that the energy requirements for lactation are proportional to the quantity of milk produced."

A wide range of other modifications were suggested by commenters including various food and non-food items. A further review of comments on the Notice revealed clear preferences for certain food items appropraite for inclusion in Food Package VII. Some, however, were more feasible than others. For example, some nutrient

dense foods that were recommended, such as fresh fruits and vegetables, are not available in a variety of forms or are difficult to weigh and/or measure in consistent and reliable quantities. This could limit their availability and create administrative difficulties for the local agencies, vendors and the participants themselves.

Another factor making some of the suggested foods less appropriate was the perishability of the foods. A number of commenters suggested fresh fruits and vegetables for inclusion in the food package. Others made specific suggestions that perishable foods would be inappropriate for State agencies not using a retail distribution system, that is, those agencies which distribute food packages directly to participant from warehouses with no facilities to store highly perishable foods or through dairy delivery systems. One State agency stated: "We encourage FNS to keep in mind the food delivery constraints of non-retail states when proposing additional foods. Highly perishable foods and those available only in one form (only fresh or only frozen, for example) may be difficult to provide in non-retail systems."

In general, the food items most consistently suggested by commenters were fruits and vegetables (in general and/or not specified). Most commenters who suggested fruits and vegetables did not specify any particular fruit or vegetable. When specified, the most commonly mentioned vegetable was carrots. Carrots, as mentioned previously, are one of the two new WIC food items included in Food Package VII. Some commenters specified the type of carrot (i.e. fresh, frozen or canned) and others only suggested "carrots" for inclusion into the food package. Because carrots come in a variety of forms, and because fresh carrots are generally packaged in one pound quantities, commenters believed some of the general practical concerns with fruits and vegetables, could be overcome with the provision of carrots. Most commenters recommending carrots for inclusion in the food package referred to their nutrient content and administratively feasibility. One commenter stated that carrots would provide a constant source of carotene (precursor of vitamin A) and suggested that for those States which have direct distribution system, cannd carrots may be an option. Further, one State agency pointed out that "vitamin A is very important for breast milk production because the women's dietary intake of this vitamin will have an impact on the level in the milk she produces."

Canned tuna was the second food item which was most suggested by the commenters. Most commenters specified canned tuna for inclusion due to its wide availability, ease of apportionment, participant acceptance, ease and versatility in preparation, and nutrient composition. Many State agencies suggested canned tuna for inclusion in the food package and described it as "a high protein, low fat, nutrient dense food." In further support of the nutritional qualities of canned tuna, one State agency stated that, "Tuna contributes high-quality protein and other nutrients to the diet." Additionally, a number of State agencies recommended that the Department "consider canned tuna as an additional protein food. It is convenient, versatile, and well accepted by our participant population."

A number of commenters suggested an increased quantity of legumes (beans, peas, and peanut butter). Again, most commenters did not specify exact types and quantities of these foods, but there was a clearly established pattern to the comments. Commenters stated that legumes are nutrient dense, relatively low in cost, administratively manageable, widely available, offer flexibility to State and local agencies, and are generally a good source of the target nutrients. For example, one State agency stated that, "Beans and peas are a good source of protein, iron, and fiber, and are an excellent low-fat, low-cholesterol alternative to meats." Another recommended "allowing both legumes and peanut butter. The allowance of both of these items is one of the simplest and least expensive alternatives." Further, a number of State agencies stated that, "The justification for additional beans or peanut butter is that these may be popular foods, easily available, and they would help the breastfeeding mother receive a greater percent of the RDAs for calories, protein, and iron, which are not being met by WIC Supplemental Food Package V presently."

The selection of foods to include a Food Package VII and their amounts were based on the rationale provided by the commenters as described above. Consequently, Food Package VII contains the same supplemental foods as are currently provided to breastfeeding women in Food Package V with augmented amounts of juice, cheese and legumes and with the addition of two new items: Canned tuna and carrots. In accordance with many comments in support of Food Package VII, this proposed rule, and consequently the foods selected for inclusion in Food Package VII, strongly supports the provision of foods which are recognized as being a relatively good source of the nutrients most lacking in the diets of WIC eligible lactating women.

Some commenters also expressed great concern about the cost of the food package to the program. For example, one commenter suggested that "it is critical that any breastfeeding food package which may be offered to breastfeeding mothers be as cost neutral as possible." In acknowledgement of this, the foods selected for inclusion were carefully reviewed and analyzed in terms of their cost to the program, their cost relative to the other food packages and how the cost of the food package could affect program participation. The amounts of the foods included in Food Package VII were consequently guided by this analysis.

FNS' goal in developing the enhanced breastfeeding food package was to compose a package that would be cost neutral and have minimal effect on overall WIC participation levels. FNS estimates that the cost of Food Package VII is approximately equivalent to WIC's net cost to provide monthly food packages to both a mother and her infant. Since Food Package VII will be made available to only breastfeeding women whose infants do not receive formula from the WIC Program, a portion of the potential increase in food cost is offset by the reduced amount of formula purchases. In support of this view, many commenters mentioned the offsetting costs of reduced formula purchases.

Some commenters were concerned that increased food costs could adversely affect participation rates. For this reason, the foods selected for inclusion in the food package are relatively low in cost and will not have measurable effect on program participation rates. Further, the Department continues to be committed to serving the largest number of eligible persons with the funds available for the Program and realizes that a major increase in the total cost of the food packages could moderately affect the number of participants the Program serves.

In summation, this proposed rule has been developed with serious regard to the suggestions offered by the commenters and the principles of food package design enumerated in the Notice and further discussed in this preamble. Particular consideration was given to the cost and potential impact on program participation levels of Food Package VII. Further, the Department is

strongly committed to the support of breastfeeding and to assisting breastfeeding women in meeting the special nutritional requirements of lactation. Consequently, and as many commenters mentioned, an incidental effect of an enhanced food package may be an inducement for some women to breastfeed and/or breastfeed longer.

The Department would like to thank those commenters who took the time to comment on the December 2, 1991 Notice of Intent to Propose Rulemaking and Solicitation of Comments and encourages those commenters and other interested members of the public to comment on this proposed rulemaking.

Proposed Food Package VII For Breastfeeding Women

As stated previously in this rulemaking, the proposed Food Package VII would be made available to those breastfeeding women who elect not to receive WIC formula for their infants and thus be exclusive of all WIC formula. The current types and quantities of supplemental foods are proposed to be retained in Food Package V for pregnant women and for women who are supplementing breastfeeding with any amount of infant formula provided by WIC. Further, the proposed Food Package VII would contain the same supplemental foods as are currently provided to breastfeeding women in Food Package V, but with augmented amounts of juice, cheese and legumes and with the addition of two new items: canned tuna and carrots.

Canned tuna was selected based on the commenters' recommendations, and in recognition of its nutrient content. Food Package VII would include up to 26 ounces of canned tuna.

Up to 2 pounds of carrots would also be included in the new food package. Carrots were selected based on their nutrient content, administrative feasibility, availability, broad appeal, and commenters' recommendations.

In addition, after extensive review of the comments, it was decided to provide both one pound of mature dried beans or peas and 18 ounces of peanut butter per month in Food Package VII (as opposed to one pound of mature dried beans or peas or 18 ounces of peanut butter as is now provided in Food Package V).

The amount of juice in Food Package VII would be increased by up to 48 ounces from the amount provided in Food Package V. Many commenters recommended an augmented amount of the juice which is currently offered in Food Package V because of its nutrient qualities, administrative feasibility and participant acceptance.

An additional one pound of cheese would be provided in the new food package. Cheese is a good source of target nutrients and for those breastfeeding women who may be intolerant of milk it provides a good source of protein and other target nutrients. Cheese is currently provided in Food Packages IV, V, and VI only as a milk substitute.

For the convenience of commenters, an analysis of Food Packages V and VII is provided as the appendix II to this preamble. This chart compares two hypothetical food packages for breastfeeding women in their first six months of lactation. Food Package V for breastfeeding women is indicated in the chart by "BF (Formula)." Food Package VII for breastfeeding women whose infants do not receive formula from the WIC program is indicated by "BF (Enhanced)." The percent RDAs for both food packages are for breastfeeding women during their first six months of lactation. This analysis is based on maximum amounts of foods allowed in the food packages.

As permitted in § 246.10(b)(1) of the current WIC regulations, State agencies would continue to be responsible for determining the brands and types of WIC foods authorized for use in their States from among those foods authorized in federal regulations. The decison may be influenced by factors such as food prices, product distribution within a State, WIC participant acceptance, and program management costs. State agencies have the flexibility to limit the number of foods authorized for use in their States. They are not obligated to authorize every available food that meets Federal requirements. They are, however, obligated to ensure that local agencies make available at least one food from each group in each food package, including the new food package proposed in this rulemaking (7 CFR 246.10 (b)(2)(i)). This includes the five new categories of foods (i.e. cheese, dry beans or peas, peanut butter, fish and vegetable) in this proposed rulemaking. The State can limit the type (e.g. fresh, canned or frozen) or the brand (e.g. the least expensive).

The principles outlined above, and discussed elsewhere in this Proposed rule, constitute a framework within which all WIC Food Packages have been developed. The Department encourages commenters to present their comments on this issue mindful of these principles or to alternate principles which the commenter believes should be considered.

Further, comments which include a justification in terms of current research are greatly appreciated and of exceptional use to the Department in the development of this and succeeding regulations.

Appendix I

The Department's Support of Breastfeeding

Current Federal Requirements

Current Federal requirements for the WIC Program include various provisions to encourage participating women to breastfeed. For example: The WIC food package for breastfeeding participants (Food Package V) provides a greater variety and quantity of food than that for nonbreastfeeding postpartum participants (Food Package VI); breastfeeding women are always considered to be at a higher level of nutritional risk than nonbreastfeeding postpartum women (a nutritional risk priority system is used to determine position on the waiting list when a local agency has reached maximum caseload, and those persons in the highest priorities are served first); information on the benefits of breastfeeding must be included in WIC nutrition education sessions; WIC breastfeeding women may receive program benefits for up to 1 year while nonbreastfeeding participants are eligible for only 6 months postpartum; funding initiatives are made available to WIC State agencies serving large proportions of high risk persons, which include breastfeeding women and their breastfed infants; and a breastfeeding woman with no nutritional risk of her own may receive program benefits based on the eligibility of her at risk breastfed infant. Furthermore, the WIC Program provides funding incentives to WIC States to support and promote breastfeeding initiatives in WIC.

Section 123 of the Child Nutrition WIC Reauthorization Act of 1989 (Pub. L. 101–147) amended section 17 of the CNA to require the Department to better promote breastfeeding among WIC participants by: (1) Establishing, in consultation with the Secretary of Health and Human Services, a standard definition for the term "breastfeeding"; (2) establishing breastfeeding promotion and support standards for State and local agencies; and (3) authorizing the purchase of breastfeeding aids by State and local agencies as an allowable administrative cost. A proposed rule to implement these legislative provisions was published on July 9, 1990 (55 FR 28033). The final rule should be published in 1992. In addition, Public Law 101–147 requires each State agency to annually spend an amount equal to its share of the $8,000,000 specifically distributed by the Department for breastfeeding promotion and support. This provision became effective October 1, 1989.

Initiatives

The Department also encourages the promotion of breastfeeding in the WIC Program through a number of activities, including the following:

1. The Department funds a variety of breastfeeding projects, including grants to WIC State and local agencies and a study to demonstrate and evaluate effective breastfeeding promotion approaches in the WIC program. The study's final report showed that interventions improved

breastfeeding rates among WIC participants. Currently, eight local WIC agencies have received approximately $100,000 in grants to study the effectiveness of using locally donated tokens and gifts as incentives to promote breastfeeding.

2. The Department developed publications on breastfeeding for participants and technical assistance materials to give WIC State and local agency staff ideas on how to better promote breastfeeding. Some of the more recent publications are: Promoting Breastfeeding in WIC: A Compendium of Practical Approaches and WIC Breastfeeding Promotion Study and Demonstration Report (for agency staff), and How WIC Helps—Eating for You and Your Baby and Pregnant? Drugs and Alcohol Can Hurt Your Unborn Baby (for participants).

3. The Department has participated in numerous cooperative efforts with other Federal agencies and private organizations to promote breastfeeding. Examples include: (1) The Department cooperated with the Department of Health and Human Services in sponsoring conferences to train health care providers and local agency staff in lactation management; (2) the Department is active in the Healthy Mothers, Healthy Babies Coalition Breastfeeding Promotion Subcommittee; (3) finally, the Department is working with UNICEF on its Baby Friendly Hospital Initiative, which would further support hospital breastfeeding initiation.

4. The Department hosts ongoing semi-annual meetings of the Breastfeeding Promotion Consortium to exchange information on how government and private health interests, including major health professional and non-profit organizations, can work together to promote breastfeeding.

5. As a result of information gained at the Breastfeeding Promotion Consortium meetings, the Department discerned a need to develop a national media campaign to promote the concept that breastfeeding is the optimum choice for infant feeding for both mother and baby. The Department has developed plans for such a comprehensive media campaign. On February 26, 1992, a bill, H.R. 4322 (the Breastfeeding Promotion Act of 1992), was introduced to amend the CNA of 1966 to establish a breastfeeding promotion program. The bill would authorize the Secretary of Agriculture to utilize private funding and in-kind contributions from the private sector to conduct a national campaign and eductional program to promote breastfeeding.

6. The Department cooperated with the National Association of WIC Directors to develop and distribute voluntary guidelines for use by WIC State agencies in promoting and supporting breastfeeding in the WIC Program.

7. Pursuant to the Child Nutrition and WIC Reauthorization Act of 1989 (Pub. L. 101–147) the Department issued Program guidance on allowable breastfeeding aids and has authorized the use of WIC administrative funds to purchase breastfeeding aids such as: Breast pumps, breastshells, and nursing supplementers. These allowable aids directly support the initiation and continuation of breastfeeding.

8. The Department contracted for a detailed analysis of breastfeeding rates and patterns of WIC mothers and eligible, non-WIC mothers using data from the National Maternal and Infant Health Survey.

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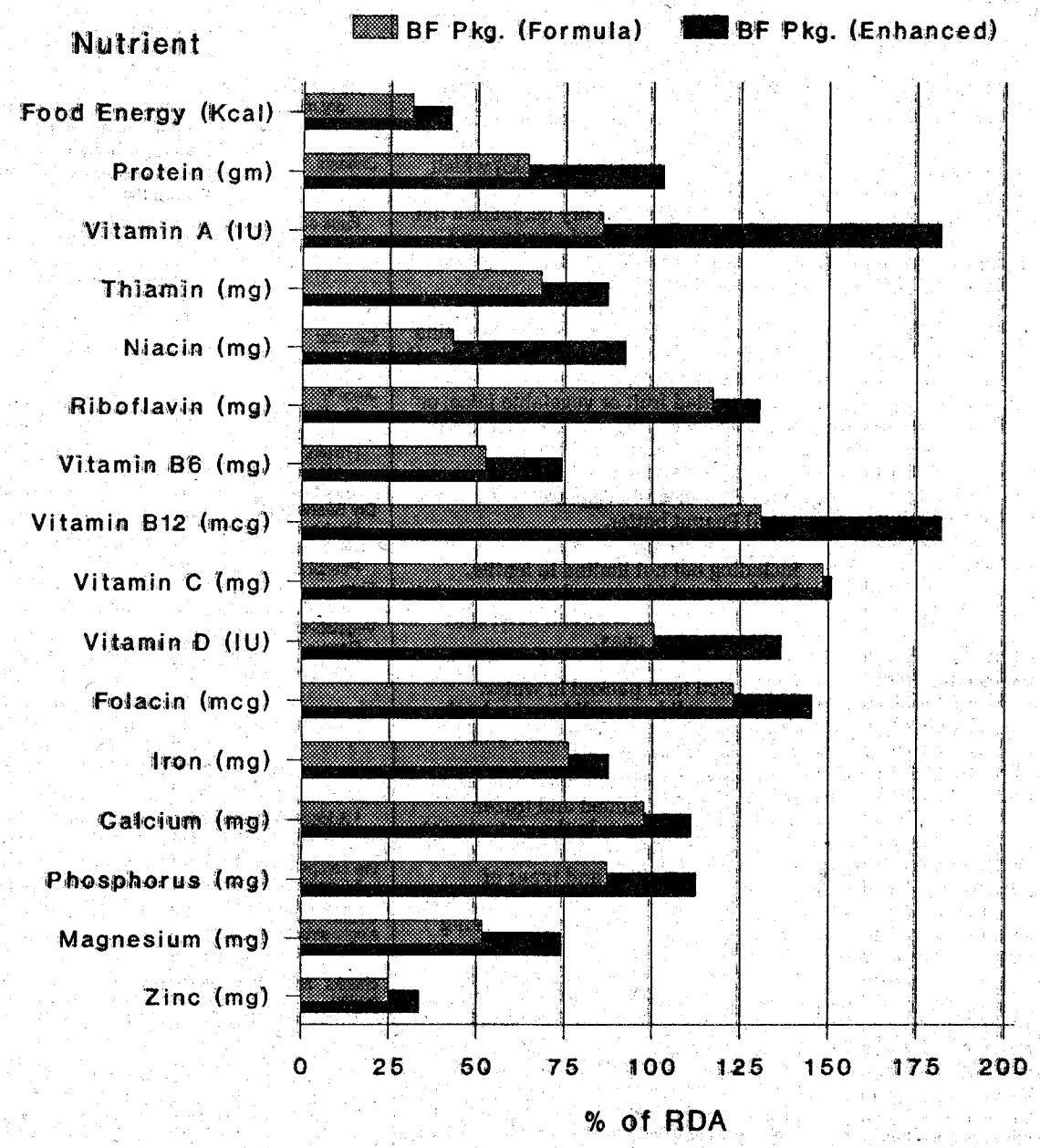
APPENDIX II

Daily % of RDA in Fd. Pkgs. V and VII
Breastfeeding Women <6 months lactation



Source: USDA/FNS

BILLING CODE 3410-30-C

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—Social programs, Infants and children, Maternal and Child health, Nutrition education, Public assistance programs, WIC, Women.

For reasons set forth in the preamble, 7 CFR part 246 is proposed to be amended as follows:

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

1. The authority citation for part 246 is revised to read as follows:

Authority: Secs. 123 and 213, Pub. L. 101–147, 103 Stat. 877 (42 U.S.C. 1786); sec. 3201, Pub. L. 100–690, 102 Stat. 4181 (42 U.S.C. 1786); sec. 645, Pub. L. 100–460, 102 Stat. 2229 (42 U.S.C. 1786); secs. 212 and 501, Pub. L. 100–435, 102 Stat. 1645 (42 U.S.C. 1786); sec. 3, Pub. L. 100–356, 102 Stat. 669 (42 U.S.C. 1786); secs. 8–12, Pub. L. 100–237, 101 Stat. 1733 (42 U.S.C. 1786); secs. 341–353, Pub. L. 99–500 and 99–591, 100 Stat. 1783 and 3341 (42 U.S.C. 1786); sec. 815, Pub. L. 97–35, 95 Stat. 521 (42 U.S.C. 1786); sec. 203, Pub. L. 96–499, 94 Stat. 2599 (42 U.S.C. 1786); sec. 3, Pub. L. 95–627, 92 Stat. 3611 (42 U.S.C. 1786).

2. In § 246.10:

a. The introductory text in paragraph (c) is revised;

b. The introductory text in paragraph (c)(5) is revised; and

c. A new paragraph (c)(7) is added.

The revisions and addition read as follows:

§ 246.10 Supplemental foods.

* * * * *

(c) *Food packages.* There are seven food packages available under the Program which may be provided to participants.* * *

* * * * *

(5) *Food Package V—Pregnant and Breastfeeding Woman (Formula).* * **

* * * * *

(7) *Food Package VII—Breastfeeding Women (Enhanced).* (i) Pasteurized fluid whole milk which is flavored or unflavored and which contains 400 International Units of Vitamin D per quart (.9 liter) or pasteurized fluid skim or lowfat milk which is flavored or unflavored and which contains 400 International Units of vitamin D and 2000 International Units of vitamin A per fluid quart (.9 liter); or pasteurized cultured buttermilk which contains 400 International Units of vitamin D and 2000 International Units of Vitamin A per fluid quart (.9 liter); or evaporated whole milk which contains 400 International Units of Vitamin D per reconstituted quart (.9 liter); or evaporated skimmed milk which contains 400 International Units of vitamin D and 2000 International Units of vitamin A per reconstituted quart (.9 liter); or dry whole milk which contains 400 International Units of vitamin D per reconstituted quart (.9 liter); or nonfat or lowfat dry milk which contains 400 International Units of vitamin D and 2000 International Units of vitamin A per reconstituted quart (.9 liter); or domestic cheese (pasteurized process American, Monterey Jack, Colby, natural Cheddar, Swiss, Brick, Muenster, Provolone, Mozzarella Part-Skim or Whole).

(ii) Domestic cheese (pasteurized process American, Monterey Jack, Colby, natural Cheddar, Swiss, Brick, Muenster, Provolone, Mozzarella Part-Skim or Whole.)

(iii) Adult cereal (hot or cold) which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal and not more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (6 grams per ounce).

(iv) Single strength fruit juice or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters; or frozen concentrated fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice.

(v) Eggs or dried egg mix.

(vi) Peanut butter.

(vii) Mature dry beans or peas, including but not limited to lentils, black, navy, kidney, garbanzo, soy, pinto and mung beans, crowder, cow, split and black-eyed peas.

(viii) Tuna: Canned white, light, dark or blended tuna packed in water, including solid and solid pack; chunk, chunks and chunk style; flake and flakes; and grated.

(ix) Carrots: Raw, canned or frozen. Raw and 100% Canned and frozen carrots containing only the mature root of the carrot plant packed in water.

(x) The quantities and types of supplemental foods prescribed shall be appropriate for the participant taking into consideration the participant's age and dietary needs. The maximum quantity of supplemental foods authorized per month is as follows:

Food	Quantity
Milk:	
Fluid whole milk or	28 qt. (26.5 L).
Cheese or	May be substituted for fluid whole milk at the rate of 1 lb. (.4 kg) per 3 qt. (2.8L) of fluid whole milk. 4 lbs. (1.8 kg) is the maximum amount which may be substituted.[1]
Fluid skim or lowfat milk or	May be substituted for fluid whole milk on a quart-for-quart (.9 L) basis.
Cultured buttermilk or	May be substituted for fluid whole milk on a quart-for-quart (.9 L) basis.
Evaporated whole milk or	May be substituted for fluid whole milk at the rate of 13 fluid oz. (.4 L) per qt. (.9 L) of fluid whole milk.
Evaporated skimmed milk or	May be substituted for fluid whole milk at the rate of 13 fluid oz. (.4 L) per qt. (.9 L) of fluid whole milk.
Dry whole milk or	May be substituted for fluid whole milk at the rate of 1 lb. (.4 kg) per 3 qt. (2.8 L) of fluid whole milk.
Nonfat or lowfat dry milk.	May be substituted for fluid whole milk at the rate of 1 lb. (.4 kg) per 5 qt. (4.7 L) of fluid whole milk.
Cheese:	
Cheese	1 lb. (.4 kg).
Eggs:	
Eggs or	2 doz. or 2-½ doz.
Dried egg mix	May be substituted at the rate of 1.5 lb. (.7 kg) egg mix per 2 doz. fresh eggs, or 2 lb. (.9 kg) egg mix per 2-½ doz fresh eggs.
Cereals:	
Cereals (hot or cold).	36 oz. dry (1 kg).
Juice[2]:	
Single strength juice or.	322 fluid oz. (9.6 L).
Frozen, concentrated juice.	336 fluid oz. reconstituted (10.0 L).
Dry Beans or Peas:	
Dry beans or peas	1 lb. (.4 kg).
Peanut Butter:	
Peanut Butter	18 oz. (.5 kg).
Fish:	
Tuna[3]	26 oz. (.8 kg).
Vegetable:	
Carrots[4] or	2 lb. (.9. kg).
Frozen Carrots or	May be substituted for fresh at the rate of and 1 lb. frozen to 1 lb fresh.
Canned Carrots	May be substituted for fresh at the rate of 1 16–20 ounce can of carrots to 1 lb of fresh.

[1] Additional cheese may be issued on an individual basis in cases of lactose intolerance, provided the need is documented in the participant's file by the competent professional authority.

[2] Combinations of single strength or frozen concentrated juice may be issued as long as the total volume does not exceed the amount specified for single strength juice.

[3] Canned white, light, dark or blended tuna packed in water, including solid and solid pack; chunk, chunks and chunk style; flake and flakes; and grated.

[4] Carrots: raw, canned or frozen. 100 raw, canned and frozen carrots containing only the mature root of the carrot plant packed in water.

* * * * *

Dated: March 5, 1992.

Catherine Bertini,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 92-5810 Filed 3-18-92; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 098CE, Special Conditions 23-ACE-66]

Special Conditions; Grob Model G520T Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for Burkhart Grob for the Grob Model G520T Series airplane. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. This novel and unusual design feature includes the use of composite materials for primary flight structure for which the applicable regulations do not contain adequate or appropriate airworthiness standards. This notice contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

DATES: Comments must be received on or before July 17, 1992.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Ace-7, Attention: Rules Docket Clerk, Docket No. 098CE, room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 098CE. Comments may be inspected in the rules docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, room 1544, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action on this proposals. Commenters within the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 098CE." The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the rules docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket.

Background

On May 7, 1991, Burkhart Grob Luft und Raumfahrt GmbH, Postfach 1257, D-8948, Mindelheim, Germany, made application for a type certificate through the Luftfahrt Bundesamt (LBA) to the FAA Brussels Office for the Model G520T airplane. The Grob Model G520T Series airplane is a two seat, trainer version of the G520, which is a single-seat, high aspect ratio, pressurized, mid-wing monoplane with tricycle landing gear. The Grob Model G520T Series airplane utilizes composite material for its structure, powered by a turbopropeller engine. The maximum gross weight is unchanged from the Grob Model G520 Series airplane at 9,950 pounds.

The Grob Model 520T series airplane is made of composites assembled mainly by bonding. Since the early 1940's, airframes have predominantly been composed of semi-monocoque aluminum construction. Composite material of the type used on the Grob 520T is generally not susceptible to the initiation of fatigue cracks by the application of repetitive loads, like that of semi-monocoque aluminum construction. The composite material is, however, susceptible to damage in the form of cracks, breaks, and delaminations. Because of this and other factors, the FAA has determined that the wing fatigue requirements of § 23.572 are inadequate to ensure that the composite material structure can withstand the repeated loads of variable magnitude expected in service.

Type Certification Basis

The type certification basis for the Grob Model G520T Series airplane is as follows: Part 21 of the FAR, §§ 21.29, 21.183(c) and part 23 of the FAR, effective February 11, 1965, including amendment 23-1 through 23-34; and amendment 23-42, § 23.631; and part 36 of the FAR, effective November 18, 1969, including amendments 36-1 through amendment 36-18; and SFAR 27, effective February 1, 1974, including amendments 27-1 through 27-5; and special conditions pursuant to part 21 of the FAR, § 21.16 issued to the Egrett model, and published on November 14, 1990, (55 FR 47455); and Equivalent Safety Finding No. ACE-91-01, dated June 25, 1991; and Section 611(b) of the FAA Act of 1958, and Exemption No. 5223 granted by the FAA (§ 11.27) on September 13, 1990.

Discussion

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49, after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become part of the type certification basis, in accordance with § 21.17(a)(2).

The proposed type design of the Grob Model G520T Series airplane contains a number of novel or unusual design features not envisaged by the applicable part 23 airworthiness standards. Special condtions are considered necessary because the airworthiness requirements of part 23 do not contain adequate or appropriate safety standards for the novel and unusual design features of the Grob Model G520T Series airplane.

Composite Structure

All safety of flight structure is to be constructed of composite materials, which require damage tolerance methods for a thorough evaluation. Composite materials in existence, and in commonly used aircraft airframes at this time, are typically more suspectible than commonly used aluminum structure to damage from intrinsic and discrete sources that might adversely influence strength properties. It is generally agreed that damage tolerance criteria should be used to show that composite material structure can withstand the repeated loads of variable magnitude expected in service. Because of the lack of a service experience base for these new materials and their mechanical properties characteristics, there is a need to apply special requirements such as residual strength load with large area

manufacturing defects (for example, understrength bonds) and impact damage from discrete sources, and ability to carry ultimate load with realistic impact damage below the threshold of detectability and material environmental exposure effects.

Conclusion

This action is not a rule of general applicability and affects only the model/series of airplane identified in these special conditions.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.49(b).

The Proposed Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA proposes the following special conditions as part of the type certification basis for the Grob Model G520T Series airplane:

Evaluation of Composite Structure

Instead of complying with §§ 23.571 and 23.572, and in addition to the requirements of §§ 23.603 and 23.613, airframe structure, the failure of which would result in catastrophic loss of airplane, the wing, wing carry-through, wing attaching structure, horizontal stabilizer, stabilizer carry-through and attaching structure, fuselage, vertical stabilizer and attaching structure, wing flaps, and all movable control surfaces and attaching structure must be evaluated to damage tolerance criteria prescribed in paragraphs (a) through (j) of this special condition, unless shown to be impractical. In cases shown to be impractical, the aforementioned structure must be evaluated in accordance with the criteria of paragraphs (a) and (k) of this special condition. Where bonded joints are used, the structure must also be evaluated in accordance with the residual strength criteria in paragraph (h) of this special condition.

(a) It must be demonstrated by tests, or by analysis supported by tests, that the structure is capable of carrying ultimate load with impact damage. The level of impact damage considered need not be more than the established threshold of detectability considering the inspection procedures employed.

(b) The growth rate of damage that may occur from fatigue, corrosion, intrinsic defects, manufacturing defects; for example, bond defects, or damage from discrete sources under repeated loads expected in service; that is, between the time at which damage becomes initially detectable and the time at which the extent of damage reaches the value selected by the applicant for residual strength demonstration, must be established by tests or by analysis supported by tests.

(c) The damage growth, between initial detectability and the value selected for residual strength demonstrations, factored to obtain inspection intervals, must permit development of an inspection program suitable for application by operation and maintenance personnel.

(d) Instructions for continued airworthiness for the airframe must be established consistent with the results of the damage tolerance evaluations. Inspection intervals must be set so that after the damage initially becomes detectable by the inspection method specified, the damage will be detected before it exceeds the extent of damage for which residual strength is demonstrated.

(e) Loads spectra, load truncation, and the locations and types of damage considered in the damage tolerance evaluations, must be documented in test proposals.

(f) The structure of the pressurized cabin and fuselage must be shown by residual strength tests, or by analysis supported by residual strength tests, to be able to withstand critical limit flight loads listed in subparagraph (1) and (2) below, considered as ultimate loads, with damage consistent with the results of the damage tolerance evaluations.

(1) Critical limit flight loads with the combined effects of normal operating pressures and expected external aerodynamic pressures; and

(2) The expected external aerodynamic pressure in 1g flight combined with a cabin differential pressure equal to 1.1 times the normal operating differential pressure without consideration of any other load.

(g) The wing, carry-through, wing attaching structure, horizontal stabilizer, stabilizer carry-through and attaching structure, vertical stabilizer and attaching structure, and all movable control surfaces, and their attaching structure must be shown by residual strength tests, or analysis supported by residual strength tests, to be able to withstand critical limit flight loads, considered as ultimate loads, with the extent of damage consistent with the results of the damage tolerance evaluations.

(h) In lieu of a non-destructive inspection technique that ensures ultimate strength of each bonded joint, the limit load capacity of each bonded joint critical to safe flight must be substantiated by either of the following methods used singly or in combination:

(1) The maximum disbonds of each bonded joint, consistent with the capability to withstand the loads in paragraphs (f) and (g) of this special condition, must be determined by analysis, tests, or both. Disbonds of each bonded joint greater than this must be prevented by design features.

(2) Proof-testing must be conducted on each production article that will apply the critical limit design load to each critical bonded joint.

(i) The effects of material variability and environmental conditions; for example, exposure to temperature, humidity, erosion, ultraviolet radiation, and/or chemicals, on the strength and durability properties of the composite materials, must be accounted for in the damage tolerance evaluations and in the residual strength tests.

(j) The airplane must be shown by analysis to be free from flutter to V_D with the extent of damage for which residual strength is demonstrated.

(k) For those structures where the damage tolerance method is shown to be impractical, the strength of such structures must be demonstrated by tests, or analysis supported by tests, to be able to withstand the repeated loads of variable magnitude expected in service. Sufficient component, subcomponent, element, or coupon tests must be performed to establish the fatigue scatter and environmental effects. Impact damage in composite material components that may occur must be considered in the demonstration. The impact damage level considered must be consistent with detectability by the inspection procedures employed.

Issued in Kansas City, Missouri, on March 10, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6359 Filed 3-18-92; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 152

[Docket No. RM92-2-000]

Vehicular Natural Gas Sales

March 12, 1992.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is issuing proposed regulations applicable to sales for resale of vehicular natural gas (VNG) in interstate commerce subject to the Commission's jurisdiction pursuant to the Natural Gas Act (NGA).

The proposed regulations would codify the Commission's prior determination that VNG is ultimately consumed in the state in which it is injected into a vehicle's fuel tank. The proposed regulations also would provide for the generic issuance of a blanket certificate of public convenience and necessity authorizing sales of VNG for resale by (1) any local distribution company (LDC) that does not qualify for the exemption under section 1(c) of the NGA, (2) any holder of a service area determination under section 7(f)(1) of the NGA, and (3) any other person, including all interstate pipelines, all natural gas marketers, as well as persons not otherwise natural-gas companies for purposes of the NGA.

The purpose of the proposed regulations is to promote the availability of VNG to endusers by facilitating all persons' obtaining authority to engage in VNG sales that are subject to the Commission's jurisdiction under the NGA.

DATES: Comments are due on or before April 20, 1992.

ADDRESSES: All filings should refer to Docket No. RM92-2-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Jack O. Kendall, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-1022.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission has made this document available so that all interested persons may inspect or copy its contents during normal business hours in Room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a person computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3106, 941 North Capitol Street, NE., Washington, DC 20426.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing regulations that would codify the Commission's prior determination that vehicular natural gas (VNG) is ultimately consumed in the state in which it is injected into a vehicle's fuel tank. The proposed regulations also would provide for the generic issuance of a blanket certificate of public convenience and necessity authorizing sales of VNG for resale by (1) any local distribution company (LDC) that does not qualify for the exemption under section 1(c) of the Natural Gas Act (NGA),[1] (2) any holder of a service area determination under section 7(f)(1) of the NGA, and (3) any other person, including all interstate pipelines, all natural gas marketers, as well as persons not otherwise natural-gas companies for purposes of the NGA.

The purpose of the proposed regulations is to promote the availability of VNG to endusers by facilitating all persons' obtaining authority to engage in VNG sales that are subject to the Commission's jurisdiction under the NGA. The proposed rule's generic blanket certificates would be limited-jurisdiction certificates, which would not subject the holders to any other regulation under the Natural Gas Act jurisdiction of the Commission.

II. Background

Gasoline is derived from crude oil, and the United States is heavily dependent on foreign oil supplies. Natural gas supplies are abundant throughout North America. Further, when compressed for use as vehicular fuel, natural gas is cleaner-burning and potentially less expensive than gasoline. Thus, enhanced use of VNG represents a significant means of reducing U.S. reliance on foreign oil.

The Commission has determined that VNG is natural gas for purposes of the NGA and, therefore, that the sale of VNG for resale in interstate commerce is subject to the Commission's jurisdiction.[2] However, the Commission wants to avoid unwarranted regulatory intrusion that would create an unnecessary disincentive to the marketing and use of VNG and, thus, the realization of that fuel's potential competitive benefits.

Today, a number of nonjurisdictional companies are engaged in or planning test programs for the sale of VNG. Most of these companies are local distribution companies, whose activities are limited to the transportation and sale of gas to consumers and, therefore, are exempt from the Commission's jurisdiction pursuant to section 1(b) of the NGA.[3] The Commission has found that, to the extent an LDC's VNG sales volumes are delivered directly into the fuel tanks of vehicles that will burn the VNG as fuel, the sales are not sales for resale. Such sales do not require Commission authorization and therefore do not jeopardize an LDC's exemption under section NGA section 1(b).

However, as discussed below, the Commission has determined that clarification and the adoption of new regulations is necessary to remove unwarranted impediments to the marketing and use of VNG sales by nonjurisdictional entities in other instances. Although the Commission's statutory responsibility with respect to sales for resale of natural gas applies to VNG, the Commission has fashioned this proposed rule to ensure that its regulatory oversight of VNG will not exceed that necessary to satisfy the Commission's satutory mandate.

[1] 15 U.S.C. 717-717w.

[2] In Kansas-Nebraska Natural Gas Company, Inc., the Commission found that compressed natural gas, or VNG, is natural gas as defined in section 2(5) of the NGA. 22 FERC ¶ 61,176 at 61,307 (1983), *reh'g denied*, 24 FERC ¶ 61,200 (1983).

[3] Section 1(b) of the NGA provides that:

The provisions of this act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas.

III. Proposed Rule

Definition of VNG

As discussed above, natural gas which has been compressed, but which is still in a gaseous state, is being used increasingly as fuel in motor vehicles. The proposed rule would add a new paragraph (b)(1)(i) to § 152.1 of the regulations [4] to define "vehicular natural gas," or "VNG," for purposes of the Commission's regulations, as "natural gas that is ultimately used as a fuel in a motor vehicle."

VNG Vehicles That Cross State Lines

VNG sales programs are being considered by a number of companies. Some of these entities' natural gas activities involve only VNG. Other entities that are engaged in VNG operations in addition to other natural gas activities are companies that are referred to as Hinshaw pipelines. Hinshaws' activities include sales of interstate gas for resale, but section 1(c) of the NGA prevents a Hinshaw from becoming subject to the Commission's jurisdiction because: (1) All of the gas transported or sold by the Hinshaw is gas received at or within the boundary of the state in which the Hinshaw is located and all of the gas is ultimately consumed in the same state, and (2) the Hinshaw's rates, services and facilities are subject to regulation by a state commission.[5]

Recognizing that VNG fuel delivered into a vehicle may be partially burned in another state as the vehicle moves about, the Commission has previously addressed the issue raised by the requirement in section 1(c) of the NGA that all of a Hinshaw's sale-for-resale gas, as well as its direct-sale gas, be "ultimately consumed" in the Hinshaw's operating state. The Commission determined that all of the VNG sold and delivered into a vehicle's fuel tank is "ultimately consumed" in the state where the fuel is injected.

Thus, even when VNG is sold by a Hinshaw for resale, the Hinshaw's section 1(c) exemption is preserved so long as the VNG is injected as vehicular fuel in the Hinshaw's operating state. This determination is unaffected by whether the vehicle thereafter will cross state lines.[6]

The Commission is proposing to codify this determination as a new paragraph (b)(1) to existing section 152.1 of the regulations.[7] This codification should avoid possible confusion that might impede the marketing of VNG by Hinshaw pipelines.

VNG Sales for Resale Subject to NGA Certification Requirements

Many companies that function in effect as LDCs in more than one state hold service area determinations issued by the Commission pursuant to section 7(f)(1) of the NGA. A designated service area generally includes a portion of each state in which the company operates. The Commission's designation of a section 7(f)(1) service area determination enables the company to extend its facilities in the out-of-state portion of its service area, without further Commission authorization, to supply increased gas demands by residential customers and other endusers.

Section 7(f)(2) was added to the NGA by the Uniform Regulatory Jurisdiction Act of 1988.[8] Pursuant to that section, when the holder of a section 7(f)(1) service area determination transports gas to any person, other than a natural gas company, in the service area, the transportation is subject to the exclusive jurisdiction of the state commission in the state in which the gas is consumed, regardless of whether the transportation crosses state lines.[9] Thus, section 7(f)(2) exempts a holder of a service area determination from the certification requirements of section 7(c) of the NGA when the holder is providing gas transportation service to any person (other than a natural gas company) in its service area, regardless of whether the gas is moving in interstate commerce or whether the shipper will resell the gas.

However, a holder of a service area determination is still subject to NGA section 76(c) certification requirements, if it sells interstate gas, including VNG, for resale. NGA section 7(c) certification requirements also apply to LDCs' sales for resale of VNG that do not qualify for the Hinshaw exemption of section 1(c) of the NGA either (1) because the LDC is not subject to regulation by a state commission or (2) because the VNG will be transported to another state before being injected into vehicles and, therefore, is "ultimately consumed" in the other state.

NGA certification requirements also apply to sales for resale of jurisdictional VNG by interstate pipelines and gas marketers, as well as persons that otherwise are not natural-gas companies for purposes of the NGA. Thus, if a person purchases gas subject to the NGA and sells it for resale, NGA certification requirements apply, even if all of the gas is compressed to make VNG prior to being sold for resale. For example, a sales-for-resale certaificate is needed by an LDC or other VNG wholesaler that purchases natural gas from an interstate pipeline and then transports it by pipeline or in closed containers and sells it to VNG retail stations in one or more states.

The Commission wants to facilitate the necessary certification for LDCs whose activities include VNG sales for resale that do not qualify for the Hinshaw exemption, section 7(f) service area holders, and persons that are or would become natural-gas companies for purposes of the NGA by reason of their sales of VNG for resale. Thus, the Commission believes it would be appropriate to provide generic blanket certificate authorization for sales for resale of VNG by *any* entity, including all interstate pipelines and all gas marketers.

Accordingly, the Commission is proposing a regulation, to be set forth in a new paragraph (b)(2) to § 152.1 of the regulations, which would issue generic limited-jurisdiction blanket certificate authorization for all covered companies

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[4] 18 CFR 152.1.

[5] Section 1(c) states:

The provisions of this Act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities may be subject to regulation by a State commission.

[6] Northern Illinois Gas Company, 20 FERC ¶ 61,267 at 61,504 (1982); Kansas-Nebraska Natural Gas Company, 22 FERC FERC ¶ 62,176 at 61,307 (1983), *reh'g denied*, 24 FERC ¶ 61,209 (1983).

As discussed herein, Hinshaw status also is contingent upon the Hinshaw's being subject to regulation by a state commission. Therefore, while a state-regulated Hinshaw's sale for resale of VNG will not jeopardize its Hinshaw status, so long as the VNG is at some point injected as fuel in the same state, a non-state-regulated company would be subject to the Commission's jurisdiction, if it sells the VNG for resale. 20 FERC ¶ 61,267 at 61,505 (1982). However, these entities would be authorized to make VNG sales for resales by the generic blanket certificates that would issue pursuant to this proposed rule.

[7] 18 CFR 152.1.

[8] Public Law 100-474 (Oct. 6, 1988).

[9] Section 7(f) of the NGA provides that:

(1) The Commission, after a hearing had upon its own motion or upon application, may determine the service area to which each authorization under this section is to be limited. Within such service area as determined by the Commission a natural gas company may enlarge or extend its facilities for the purpose of supplying increased market demands in such service area without further authorization; and

(2) If the Commission has determined a service area pursuant to this subsection, transportation to ultimate consumers in such service area by the holder of such service area determination, even if across State lines, shall be subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed. This section shall not apply to the transportation of natural gas to another natural gas company.

to make sales for resale of natural gas to be use as VNG. Generic blanket certificate authority would avoid the necessity of the holder's having to file a case-specific section 7(c) application for each VNG sale-for-resale agreement. Since VNG competes with gasoline, and the gasoline market is competitive, the Commission is proposing that companies be autahorized to make sales for resale under their blanket certificates at market rates.

Generic blanket certificates of limited jurisdiction would issue automatically as of the effective date of new § 152.1(b)(2). Therefore, companies would not need to file applications for the generic blanket certificates. The generic blanket certificates would become effective on the date of issuance of a final rule in this proceeding.

IV. Environmental Analysis

Commission regulations require that an Environmental Assessment or an Environmental Impact Statement be prepared for any Commission action that may have a significant adverse effect on the human environment.[10] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[11] The subject action here will not have a significant adverse impact on the human environment and falls within the categorical exemption provided in the Commission's regulations for sales of natural gas that require no construction of facilities. Therefore, an environmental assessment is unnecessary and will not be prepared in this rulemaking.

V. Regulatory Flexibility Act Certification

When the Commission is required by section 553 of the Administrative Procedures Act [12] to publish a notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA) [13] to prepare and make available for public comment an initial regulatory flexibility analysis, unless the Commission certifies, pursuant to the RFA, that the proposed rule would not have a "significant economic impact on a substantial number of small entities." [14] The RFA is intended to ensure careful and informed agency consideration of rules that may significantly affect small entities and to encourage consideration of alternative approaches to minimize harm or burdens on small entities.

The Commission does not believe that this rule would have a significant economic impact, within the meaning of the RFA, on a substantial number of small entities. This rule would (1) codify the Commission's prior determination that a Hinshaw pipeline does not lose its NGA section 1(c) exemption from the Commission's jurisdiction by reason of selling VNG that eventually moves across state lines in a VNG-powered vehicle itself, and (2) issue blanket certificates to all persons that make VNG sales for resale, thereby eliminating the necessity of such companies' having to apply for case-specific authority for each sale of VNG for resale.

In view of the nature of the proposals, the Commission concludes that there will not be a significant impact on a significant number of small entities.

VI. Information Collection Requirements

The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rules.[15] However, this proposed rule contains no information collection requirements and therefore is not subject to OMB approval.

VII. Comment Procedures

The Commission invites all interested persons to submit written comments on the matters proposed in this notice, including any related matters or alternative proposals that commentors may wish to discuss. An original and 14 copies of the written comments must be filed with the Commission no later than 30 days after publication of this notice of proposed rulemaking in the Federal Register. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, and should refer to Docket No. RM92-2-000.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room, room 3104, 941 North Capitol Street, NE., Washington DC 20426, during regular business hours.

[10] Order No. 486, Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783, codified at 18 CFR part 380.

[11] 18 CFR 380.4.

[12] 5 U.S.C. 553.

[13] 5 U.S.C. 601-612.

[14] 5 U.S.C. 605(b).

[15] 5 CFR part 1320.

List of Subjects in 18 CFR Part 152

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission proposes to amend part 152, chapter I, title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

PART 152—APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1 (C) THEREOF

1. The authority citation for part 152 is revised to read as follows:

Authority: 15 U.S.C. 717–717w; 15 U.S.C. 3301–3432; 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142.

2. The title of part 152 is revised to read as follows:

PART 152—APPLICATIONS FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1(C) THEREOF AND ISSUANCE OF BLANKET CERTIFICATES AUTHORIZING CERTAIN SALES FOR RESALE

3. In § 152.1, the section heading is revised, the existing text is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 152.1 Exemption applications and blanket certificates.

(a) * * *

(b)(1)(i) For purposes of the Commission's regulations implementing the Natural Gas Act, "vehicular natural gas" or "VNG" means natural gas that is ultimately used as a fuel in a motor vehicle.

(ii) For purposes of the Commission's regulations implementing the Natural Gas Act, vehicular natural gas, or VNG, is deemed to be ultimately consumed in the state in which the gas is physically delivered into the fuel tank of the vehicle.

(2)(i) Generic blanket certificates of public convenience and necessity are issued pursuant to section 7(c) of the Natural Gas Act to each local distribution company, each holder of a service area determination by the Commission pursuant to section 7(f)(1) of the Natural Gas Act, and each person that is or would become a natural-gas company for purposes of the Natural Gas Act by reason of sales for resale of VNG in interstate commerce. A blanket certificate issued under this paragraph is

a certificate of limited jurisdiction which will not subject the certificate holder to any other regulation under the Natural Gas Act jurisdiction of the Commission. Such certificate will not impair the continued validity of any exclusion under section 1(c) of the Natural Gas Act which may be applicable to the certificate holder. See 18 CFR 284.224(d).

(ii) A blanket certificate issued under paragraph (b)(2)(i) of this section authorizes the holder to make sales of VNG for resale in interstate commerce at market rates.

(iii) A person's blanket certificate authority under this section shall beome effective on (insert date of issuance of final rule).

[FR Doc. 92-6330 Filed 3-18-92; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

RIN 1219-AA44

Criteria and Procedures for Proposed Assessment of Civil Penalties

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's proposed rule concerning criteria and procedures for its proposed assessments of civil penalties from March 24, 1992, to April 24, 1992, in response to requests from the mining community.

DATES: Written comments must be received on or before April 24, 1992.

ADDRESSES: Send written comments to the Office of Standards, Regulations, and Variances, MSHA, room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On January 24, 1992, MSHA published a proposed rule (57 FR 2972) to revise its regulations governing the criteria and procedures used for assessing civil penalties. The proposal addresses penalty increases for a mine with an excessive history of violations. The comment period for the proposed rule was scheduled to close on March 24, 1992. Due to requests from the mining community for more time in which to prepare their comments, MSHA is extending the comment period to April 24, 1992. All interested parties are encouraged to submit comments prior to this date.

Dated: March 13, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-6403 Filed 3-18-92; 8:45 am]
BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-4115-9]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted by Care Free Aluminum Products, Inc., (Care Free), Charlotte, Michigan, to exclude certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 265 and 268 of title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Today's proposed decision is based on an evaluation of waste-specific information provided by the petitioner.

The Agency is also proposing the use of a fate and transport model to evaluate the potential impact of the petitioned waste on human health and the environment, based on the waste-specific information provided by the petitioner. This model has been used in evaluating the petition to predict the concentration of hazardous constituents that may be released from the petitioned waste, once it is disposed of.

DATES: EPA is requesting public comments on today's proposed decision and on the applicability of the fate and transport model used to evaluate the petition. Comments will be accepted until May 4, 1992. Comments postmarked after the close of the comment period will be stamped "late."

Any person may request a hearing on this proposed decision by filing a request with the Director, Characterization and Assessment Division, Office of Solid Waste, whose address appears below, by April 3, 1992. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (OS-305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Delisting Section, Waste Identification Branch, CAD/OSW (OS-333), U.S. Environmental Protection AGency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F-92-CFEP-FFFFF."

Requests for hearing should be addressed to the Director, Characterization and Assessment Division, Office of Solid Waste (OS-330), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW., (room M2427), Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 260-9327 for appointments. The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 920-9810. For technical information concerning this notice, contact Chichang Chen, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7392.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of

hazardous wastes identified in subpart C of part 261 (*i.e.*, ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See 40 CFR 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider any factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (*i.e.*, ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See 40 CFR 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their waste remains non-hazardous based on the hazardous waste characteristics.

B. Approach Used To Evaluate This Petition

This petition requests a delisting for a listed hazardous waste. In making the initial delisting determination, the Agency evaluated the petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Based on this review, the Agency agreed with the petitioner that the waste is non-hazardous with respect to the orginial listing criteria. (If the Agency had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition.) EPA then evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The Agency considered whether the waste is acutely toxic, and considered the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities, of waste generated, and waste variability.

For this delisting determination, the Agency identified plausible exposure routes for hazardous constituents present in the waste, *i.e.*, waterborne dispersal (via ground water and surface water routes) and airborne dispersal of waste contaminants. The Agency determined that disposal in a landfill is the most reasonable, worst-case disposal scenario for Care Free's petitioned waste, and that the major exposure route of concern would be ingestion of contaminated ground water. Therefore, the Agency is proposing to use a particular fate and transport model to predict the maximum allowable concentrations of hazardous constituents that may be released from the petitioned waste after disposal in a landfill and to determine the potential impact of the unregulated disposal of Care Free's petitioned waste on human health and the environment. Specifically, the Agency used the maximum estimated waste volume and the maximum reported leachate concentrations as inputs to estimate the constituent concentrations in the ground water at a hypothetical receptor well downgradient from the disposal site. The calculated receptor well concentrations (referred to as compliance-point concentrations) were then compared directly to the health-based levels used in delisting decision-making for the hazardous constituents of concern.

EPA believes that this fate and transport model represents a reasonable worst-case scenario for disposal of the petitioned waste in a landfill, and that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA subtitle C. The use of a reasonable worst-case scenario results in conservative values for the compliance-point concentrations and ensures that the waste, once removed from hazardous waste regulation, will not pose a threat to human health or the environment if the petitioner chooses to dispose of the waste in accordance with Subtitle D requirements. Because a delisted waste is no longer subject to hazardous waste control, the Agency is generally unable to predict and does not control how a waste will be managed after delisting. Therefore, EPA currently believes that it is inappropriate to consider extensive site-specific factors when applying the fate and transport model. For example, a generator may petition the Agency for delisting of a metal hydroxide sludge which is currently being managed in an on-site landfill and provide data on the nearest drinking water well, permeability of the aquifer, dispersivities, etc. If the Agency were to base its evaluation solely on these site-specific factors, the Agency might conclude that the waste, at that specific location, cannot affect the closest well, and the Agency might grant the petition. Upon promulgation of the exclusion, however, the generator is under no obligation to continue to manage the waste at the on-site landfill. In fact, it is likely that the generator will either choose to send the delisted waste off site immediately, or will eventually reach the capacity of the on-site facility and subsequently send the waste off site to a facility which may have very different hydrogeological and exposure conditions.

The Agency also considers the applicability of ground-water monitoring data during the evaluation of delisting petitions. In this case, the Agency determined that, because Care Free sends the petitioned waste to an off-site, commercial landfill facility for final disposal, and because Care Free's waste volume (only 100 cubic yards per year) is relatively small compared to other wastes contained in the landfill, ground-water monitoring data collected at the commercial facility would not characterize the effects of the petitioned waste on the aquifer underlying the disposal facility. Therefore, the Agency did not request ground-water monitoring data.

Finally, the Hazardous and Solid Waste Amendments of 1984 specifically require the Agency to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all public comments (including those at hearings, if any) on today's proposal are addressed.

II. Disposition of Petition

Care Free Aluminum Products, Inc., Charlotte, Michigan

1. Petition for Exclusion

Care Free Aluminum Products, Inc., located in Charlotte, Michigan, manufactures aluminum storm doors, windows, and miscellaneous construction materials. Care Free petitioned the Agency to exclude its wastewater treament sludge filter cake presently listed as EPA Hazardous Waste No. F019—"Wastewater treament sludges from chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process". The listed constituents of concern for EPA Hazardous Waste No. F019 are hexavelent chromium and complexed cyanide (see 40 CFR 261, appendix VII).

Care Free petitioned to exclude its waste because it does not believe that the waste meets the criteria of the listing. Care Free claims that its treament process generates a non-hazardous waste because the constituents of concern in the waste are in an essentially immobile form. Care Free also believes that the waste is not hazardous for any other reason (*i.e.*, there are no additional constituents or factors which could cause the waste to be hazardous). Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d) (2)–(4). Today's proposal to grant this petition for delisting is the result of the Agency's evaluation of Care Free's petition

2. Background

On March 14, 1989, Care Free petitioned the Agency to exclude its wastewater treatment filter cake from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32, and subsequently provided additional information to complete its petition. In support of its petition, Care Free submitted: (1) Detailed descriptions and schematics of its manufacturing and waste treatment processes; (2) a list of all raw materials and Material Safety Data Sheets (MSDS) for all trade name products used in the manufacturing and treatment processes; (3) results from total constituent analyses for the eight Toxicity Characteristic (TC) metals listed in 40 CFR 261.24,[1] nickel, cyanide (total and reactive), and reactive sulfide; (4) results from EP leachate procedure for the eight TC metals, nickel, and cyanide; (5) results from the Oily Waste Extraction Procedure (OWEP; SW–846 Method 1330) for the eight TC metals and nickel; (6) results from the Toxicity Characteristic Leaching Procedure (TCLP, as described in 40 CFR part 261, appendix II) for TC constituents, fluoride, and nickel; (7) results from total oil and grease analyses; and (8) results from characteristics testing for ignitability, corrosivity, and reactivity.

Care Free manufactures aluminum storm doors, storm windows, and miscellaneous extruded aluminum building materials. Care Free's conversion coating process is designed to provide corrosion-resistant film on extruded aluminum (*e.g.*, storm door and window frames) prior to the painting and assembling process. The film is formed by the chemical reaction of hexavalent chromium with the aluminum surface in the presence of anionic "activator" components such as phosphate and fluoride. The conversion coating process is normally operated five-days per week, one or two shifts per day depending on Care Free's work load.

In Care Free's conversion coating process, the aluminum parts are first loaded onto a rack, and then lowered into the first process tank containing an alkaline cleaner for one to five minutes at a temperature of 120 °F to 160 °F for the removal of any residue (such as dirt and aluminum oxide) prior to coating. The aluminum parts are removed from the tank to drip-dry and then are rinsed with water in the post-cleaning, two-stage, counter-current flow rinse tank (two separate tanks). The rinsed parts then are lowered into the chromate conversion tank for conversion-coating. Once a sufficient coating thickness is obtained, the parts are raised above the conversion coating tank to drip-dry. The coated parts then are rinsed with water in the post-coating, two-stage, counter-current flow rinse tank (two separate tanks). The coated parts then are allowed to air dry on a drip pad. The aluminum parts are further dried using an oven to remove all surface moisture and are stored for future painting in a segregated paint line.

Prior to July 4, 1989, the spent rinse waters from the post-cleaning and post-coating rinse tanks continuously entered the wastewater collection sump for subsequent treatment. On July 4, 1989, in an attempt to reduce the amount of surfactant (which Care Free thought was erroneously registered as total oil and grease (TOG) in the TOG analyses) entering the treatment system, Care Free segregated the post-cleaning rinse water for direct discharge to the Charlotte Publicly Owned Treatment Works (POTW). As of July 4, 1989, only the rinse water from the post-coating rinse tanks and the post-coating rinse drip pad are sent to the wastewater collection sump for subsequent on-site treatment. The spend cleaning and spent conversion coating baths are not discharged to the wastewater collection sump, and therefore, do not enter the petitioned wastestream.

The contaminated rinse waters from the conversion coating process are pumped from the collection sump to one of two, 5000-gallon batch treatment tanks. No other manufacturing operations discharge any waste to the wastewater treatment system. The frequency of wastewater treatment is approximately two batches per week. Once a batch treatment tanks is filled, air is continuously bubbled into the tank using a sparge ring to completely mix the contents of the tank throughout the treatment process. A sample is drawn and is titrated in order to determine the dosage of sufluric acid necessary to adjust the pH of the rinse water to approximately 2.0 to 2.5. After the calculated dosage of sufluric acid is added, the pH is verified and fine-tuned as necessary.

Care Free then uses an oxidation-reduction potential (ORP) meter to determine the amount of sodium metabisulfite necessary to reduce all of the hexavalent chromium. The calculated amount of sodium metabisulfite plus ten percent excess then is added to the batch tank and allowed to react for at least five minutes. The ORP and residual hexavalent chromium concentrations are then measured and the process (*i.e.*, addition of sodium metabisulfite and measurement of the ORP and hexavalent chromium concentration) is repeated until the ORP is below 230 mV and no hexavalent chromium is detected.

A new sample is withdrawn from the batch treatment tank and is titrated in order to determine the amount of calcium hydroxide (hydrated lime) required to raise the pH to approximately 9. Once the calcium hydroxide has been added to the batch treatment tank, the pH is again checked.

[1] EPA has adopted the Toxicity Characteristic Leaching Procedure (TCLP) in the Toxicity Characteristic (TC) rulemaking (55 FR 11798, March 29, 1990) as a replacement to the EP for the establishment of the TC regulatory levels and these eight metals are now referred to as the TC metals.

and additional calcium hydroxide is added, as needed, until the pH is the range of 8.0 t 9.0 pH units. At this pH range, metal hydroxide precipitates form and a flocculent is then added to promote settling once the sparge ring is turned off. The flocculated metal hydroxide percipitant is gravity settled and the treated wastewater is decanted and discharged to the POTW.

After completion of the wastewater treatment process, the settled sludge is transferred from the batch treatment tank to the sludge holding tank, where the sludge is mixed and sampled. Care Free then titrates the settled sludge to determine the amount calcium hydroxide required to adjust the pH to approximately 11.5. After the calculated dosage of calcium hydroxide is added and well-mixed with the sludge, the pH is verified and additional calcium hydroxide is added as necessary. The pH adjusted sludge then is pumped to a filter press for dewatering. The filter cake is temporarily accumulated in drums and then periodically transferred to a roll-off container which is taken off-site for disposal at a commercial landfill. The supernatant from the filter press is discahraged to the POTW.

To collect representative samples from filter presses like Care Free's, petitioners are normally requested to collect a minimum of four composite samples comprised of independent grab samples collected over a period of time (*e.g.*, grab samples collected every hour and composited by shift) sufficient to represent the variability or uniformity of the waste. See "Test Methods for Evaluating Solid Wastes: Physical/ Chemical Methods," U.S. EPA, Office of Solid Waste And Emergency Response, Publication SW-846 (third edition), November 1986, and "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste, (EPA/530-SW-85-003), April 1985.

Care Free initially collected a total to ten composite samples (including two duplicate composite samples) of its wastewater treatment sludge filter cake during a four-week period (August 29, 1988 through September 23, 1988(. On two seperate occasions per week, the most recently generated drum of filter cake waste was divided into four quadrants and a full-depth core sample was collected from the center of each quadrant using a prewashed 1.5 inch diameter PVC pipe. The four full-depth core samples were mixed to produce one composite sample. All ten composite samples were produced using this sampling procedure and represent Care Free's waste generated prior to the segregation of the post-cleaning rinse water from the treatment system.

All ten composite samples were analyzed for the total concentrations (*i.e.*, mass of a particular constituent per mass of waste) of the TC metals, nickel, cyanide (total and reactive), reactive sulfide, total oil and grease content, and the characteristics of hazardous wastes (*i.e.*, ignitability, corrosivity, and reactivity). The ten composite samples also were analyzed for the EP leachate concentrations (*i.e.*, mass of a particular constituent per unit volume of extract) of all the TC metals, nickel and cyanide (using distilled water in the cyanide extractions).

Due to the high oil and grease content of the initial samples (up to 24 percent—dry weight), the Agency questioned the appropriateness of the EP method used in the initial extractions. Wastes having more than one percent total oil and grease may either have significant concentrations of constituents of concern in the oil phase, which may not be assessed using the standard EP leachate procedure, or the concentration of oil and grease may be sufficient to coat the solid phase of the sample and interfere with the leaching of metals from the sample (see SW-846 Mehtod Number 1330). Care Free, therefore, collected four additional composite samples of the filter cake waste over a four-week period (June 30, 1989 through July 28, 1989).

Care Free collected a full-depth core sample from the center of each drum of filter cake waste generated during the week using a prewashed, 1.5 inch diameter PVC pipe. All of the full-depth core samples were mixed to produce one weekly composite sample. This sampling procedure was repeated for the collection of the other three weekly composite samples. The four weekly composite samples (and one duplicate composite sample) were analyzed for the OWEP leachate concentrations of all the TC metals and nickel.[2]

As discussed earlier, on July 4, 1989, Care Free modified its conversion coating process to reduce the amount of surfactant entering the treatment system by no longer treating the post-cleaning rinse water. As a result of this modification, the one elevated OWEP leachate value for chromium, and the availability of the new TCLP leaching procedure, Care Free collected an additional four weekly composite samples (and one duplicate weekly composite sample) and five daily composite samples.

Care Free, using the same sampling procedure used to collect the second set of samples (described above), collected an additional four weekly composite samples (and one duplicate composite sample) representing waste generated between October 1, 1990 and October 28, 1990. Care Free also collected five daily composite samples on September 24, 1990 through September 28, 1990. Each daily composite sample was produced by collecting a full-depth core sample using a prewashed, 1.5 inch diameter PVC pipe from each drum of waste generated on a single day.

Care Free analyzed the four weekly composite samples (and one duplicate composite sample) for the total constituent concentrations of the TC metals, nickel, total cyanide, reactive sulfide, and total oil and grease. Care Free also analyzed the four weekly composite samples (and the duplicate weekly composite sample) for both the TCLP and EP leachable concentrations of the TC metals and nickel.[3] The fourth weekly composite sample (and the duplicate weekly composite sample) also was analyzed for the TCLP concentrations of the TC organic constituents and fluoride. Lastly, Care Free analyzed the five daily composite samples for the EP leachate concentration of chromium and the total concentration of total oil and grease.

Care Free claims that due to consistent manufacturing and waste treatment processes, the analytical data obtained from the three sampling events are representative of any variation in the wastewater treatment sludge filter cake constituent concentrations.

3. Agency Analysis

Care Free used SW-846 Method Numbers 6010 through 7520 and 9010 to quantify the total constituent concentrations of the TC metals, nickel, and cyanide; SW-846 Method Numbers 1310 (EP), 1311 (TCLP, as described in 40 CFR part 261, appendix II), and 1330 (OWEP) to quantify the leachable

[2] Care Free did not analyze the collected samples for TOG content; therefore, due to the segregation of the post-cleaning rinse water from the treatment system, the TOG content may have been less than one percent (as indicated by the third set of analyses performed later in 1990) and OWEP analyses may not have been required. The Agency notes that the samples are still valid.

[3] The waste exhibited a TOG content ranging from <0.0088% to 0.15%; therefore, Care Free was not required to use the OWEP.

concentrations of the TC metals and nickel in the waste. Care Free used SW-846 Method Number 9071 to quantify the total oil and grease (TOG) content of the waste and Method Number 9030 to quantify the total constituent concentration of reactive sulfide. (Analysis for the leachable concentrations of sulfide, reactive sulfide, or reactive cyanide are not necessary because the Agency's level of regulatory concern is based on the total concentration of reactive sulfide and reactive cyanide.)

Table 1 presents the maximum total concentrations of all the TC metals, nickel, cyanide, reactive cyanide, and reactive sulfide in Care Free's waste. Table 2 presents the maximum leachate (EP, OWEP, or TCLP) concentrations of each of the TC metals, fluoride, nickel, cyanide. Table 3 presents all of the EP, OWEP, and TCLP leachate data for chromium.

TABLE 1.—MAXIMUM TOTAL CONCENTRATIONS—INORGANIC CONSTITUENTS (MG/KG)

[Wastewater treatment sludge filter cake]

Constituents	Concentrations (dry weight)
Arsenic	18
Barium	74
Cadmium	<6
Chromium	70,600
Lead	<30
Mercury	<1.5
Nickel	57
Selenium	<5.9
Silver	<5
Total Cyanide	<8.7
Reactive Cyanide	<29
Reactive Sulfide	210

< Denotes that the constituent was not detected at the detection limit specified in the table.

TABLE 2.—MAXIMUM LEACHABLE CONCENTRATIONS—INORGANIC CONSTITUENTS (MG/L)

[Wastewater treatment sludge filter cake]

Constituents	Concentrations
Arsenic	<0.2
Barium	0.25
Cadmium	<0.01
Chromium	3.7
Fluoride	15.8
Lead	<0.05
Mercury	0.009
Nickel	0.32
Selenium	<0.3
Silver	<0.01
Total Cyanide	<0.02

< Denotes that the constituents was not detected at the detection limit specified in the table.

TABLE 3.—LEACHABLE CONCENTRATIONS—CHROMIUM (MG/L)

[Wastewater treatment sludge filter cake]

Sampling periods and concentrations	Extraction procedure	Composite type
Aug. 30, 1988 to Sept. 22, 1988:		
0.57	EP	Daily.
0.5	EP	Do.
0.55	EP	Do.
0.52	EP	Do.
0.23	EP	Do.
0.29	EP	Do.
0.4	EP	Do.
0.5	EP	Do.
0.46	EP	Do.
0.45	EP	Do.
June 30, 1989 to July 28, 1989:		
0.15	OWEP	Weekly.
0.17	OWEP	Do.
0.49	OWEP	Do.
0.26	OWEP	Do.
3.7	OWEP	Do.
Sept. 24, 1990 to Sept. 28, 1990:		
<0.02	EP	Daily.
0.02	EP	Do.
0.02	EP	Do.
<0.02	EP	Do.
<0.02	EP	Do.
Oct. 1, 1990 to Oct. 28, 1990:		
<0.02	TCLP	Weekly.
0.03	TCLP	Do.
0.02	TCLP	Do.
<0.02	TCLP	Do.
<0.02	TCLP	Do.
<0.02	EP	Do.
0.03	EP	Do.
<0.02	EP	Do.
0.02	EP	Do.
<0.02	EP	Do.

< Denotes that the constituents was not detected at the detection limit specified in the table.

The detection limits presented in Tables 1 through 3, represent the lowest concentrations quantifiable by Care Free when using the appropriate SW-846 analytical methods to analyze its waste. Detection limits may vary according to the waste and waste matrix being analyzed, *i.e.*, the "cleanliness" of waste matrices varies and "dirty" waste matrices may cause interferences, thus raising the detection limits.

Using the appropriate SW-846 test methods and adequate detection limits, none of the TC organic constituents, except for traces of benzene (0.0013 mg/l) and methyl ethyl ketone (0.11 mg/l) were detected in the fourth weekly composite sample. However, neither benzene nor methyl ethyl ketone (or any other TC organic) were detected in the duplicate weekly composite sample. In addition neither benzene nor methyl ethyl ketone are used at Care Free's facility. Care Free, therefore, believes that these two constituents are likely laboratory contaminants and are not present in the petitioned waste.

Last, on the basis of test results provided by the petitioner, none of the analyzed samples exhibited the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23.

Care Free submitted a signed certification stating that based on current annual waste generation, its maximum annual generation rate of wastewater treatment sludge filter cake is 100 cubic yards. The Agency may review a petitioner's estimates and, on occasion, has requested a petitioner to re-evaluate estimated waste generation rate. EPA accepts Care Free's certified estimate of 100 cubic yards/year of wastewater treatment filter cake sludge.

EPA does not generally verify submitted test data before proposing delisting decisions. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has maintained a spot-check sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before finalizing a delisting petition or after granting an exclusion. As a part of this program, the Agency conducted a spot-check sampling visit at Care Free's facility. The results of this visit, including chemical analyses of waste from Care Free, are discussed later in this notice.

4. Agency Evaluation

The Agency considered the appropriateness of alternative waste management scenarios for Care Free's filter cake waste and decided that disposal in a landfill is the most reasonable, worst-case scenario for this waste. Under this disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated ground water. The Agency, therefore, evaluated the petitioned waste using the modified EPA's composite model for landfills (EPACML) which predicts the potential for ground-water contamination from wastes that are landfilled. See 56 *FR* 32993 (July 18, 1991), 56 *FR* 67197 (December 30, 1991), and the RCRA public docket for this notice for a detailed description of the EPACML model, the disposal assumptions, and the modifications made for delisting. This model, which includes both unsaturated and saturated zone transport modules, was used to predict reasonable worst-case contaminant

levels in ground water at a compliance point (*i.e.*, a receptor well serving as a drinking-water supply). Specifically, the model estimates the dilution/attenuation factor (DAF) resulting from subsurface processes such as three-dimensional dispersion and dilution from ground-water recharge for a specific volume of waste. The Agency requests comments on the use of the EPACML model as applied to the evaluation of Care Free's waste.

For the evaluation of Care Free's petitioned waste, the Agency used the EPACML model to evaluate the mobility of barium, chromium, fluoride, mercury, and nickel from Care Free's wastewater treatment sludge filter cake. The Agency's evaluation, using the maximum annual waste volume of 100 cubic yards and the maximum reported leachate (EP/OWEP/TCLP) concentrations, generated the compliance-point concentrations shown in Table 4. The Agency did not evaluate the mobility of the remaining inorganic constitutents (*i.e.*, arsenic, cadmium, lead, selenium, silver, and cyanide) from Care Free's waste because they were not detected in the EP/OWEP/TCLP extract using the appropriate SW-846 analytical methods (see Table 2). The Agency believes that it is inappropriate to evaluate non-detectable concentrations of a constituent of concern in its modeling efforts if the non-detectable value was obtained using the appropriate analytical method. If a constituent cannot be detected (when using the appropriate analytical method with an adequate detection limit) the Agency assumes that the constitutent is not present and therefore does not present a threat to either human health or the environment.

TABLE 4.—EPACML MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (MG/L) LISTED AND NON-LISTED CONSTITUENTS

[Wastewater treatment sludge filter cake]

Constituents	Compliance-point concentrations [1]	Levels of regulatory concern [2]
Barium	0.0025	1
Chromium	0.037 (0.0057) [3]	0.1
Fluoride	0.158	4
Mercury	0.00009	0.002
Nickel	0.0032	0.1

[1] For Care Free's maximum annual waste volume of 100 cubic yards, the EPACML model calculated a DAF of 100.

[2] See "Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions, Submitted Under 40 CFR 260.20 and 260.22", July 1991, located in the RCRA public docket.

[3] The compliance-point concentration generated using the second highest leachate value is also presented.

The filter cake exhibited barium, chromium, fluoride, mercury, and nickel levels at the compliance point below the health-based levels used in delisting decision-making. Based on the data for leachable chromium collected by Care Free (See Table 3), the Agency believes that the highest value reported (3.7 mg/l) is anomalous and appears to be an outlier. Therefore, the compliance point concentration based on the second highest chromium level is given in Table 4 and may be more representative of the maximum levels of leachable chromium in Care Free's waste. In any case the Agency notes that the compliance point concentration derived from 3.7 mg/l data point is still below the level of regulatory concern. Additionally, the total constituent concentrations of reactive cyanide and reactive sulfide are below the Agency's interim standards of 250 ppm and 500 ppm, respectively. See "Interim Agency Thresholds for Toxic Gas Generation," July 12, 1985, internal Agency memorandum in the RCRA public docket.

The Agency reviewed Care Free's manufacturing process and its list of raw materials and agrees with Care Free's assertion that the low TCLP levels of benzene and methyl ethyl ketone found in the fourth weekly composite sample are likely due to laboratory contamination. The Agency notes that these two constituents were not detected in the duplicate sample taken by Care Free, nor were they found during the Agency's November 1990 spot-check visit (discussed below). The Agency, therefore, did not evaluate the mobility of either benzene or methyl ethyl ketone using the EPACML. EPA notes, however, that the TCLP concentrations of benzene and methyl ethyl ketone are less than the health-based levels of 0.005 mg/l and 2 mg/l used in delisting decision-making (see "Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions, Submitted Under 40 CFR 260.20 and 260.22", July 1991, located in the RCRA public docket). Therefore, neither constituent would be of concern even if compared directly to health-based levels without use of the EPACML model.

On the basis of test results submitted by the petitioner, pursuant to § 260.22, the Agency concludes that the waste does not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23.

On November 9, 1990, EPA conducted a site visit to Care Free as part of the Agency's spot-check and analysis program. One composite sample, consisting of one full-depth core sample collected from each of the nine drums holding wastes generated during the week of October 22–October 26, 1990 was collected using a slotted PVC pipe. The Agency analyzed the composite sample for the total constituent concentrations and the TCLP concentrations of the TC metals, nickel, and cyanide (using distilled water in the cyanide extraction). The composite sample also was analyzed for total constitutent concentrations of the volatile priority pollutants.

The maximum reported total constitutent concentrations for all of the TC metals, nickel, and cyanide are presented in Table 5. The maximum reported TC leachate concentrations for each of the TC metals, nickel, and cyanide are presented in Table 6. Using S-846 Method Number 8240, the Agency determined that none of the volatile priority pollutants were detected in Care Free's waste using the appropriate detection limits.

TABLE 5.—MAXIMUM TOTAL INORGANIC CONCENTRATIONS (MG/L) AGENCY SPOT-CHECK VISIT SAMPLES

[Wastewater treatment sludge filter cake]

Constituents	Total constituent concentrations (dry weight)
Arsenic	30.8
Barium	68.4
Cadmium	<1.3
Chromium	30200
Lead	<25.4
Mercury	<0.91
Nickel	14.2
Selenium	<25.4
Silver	<2.5
Total Cyanide	<6.2

< Denotes that the constituent was not detected at the detection limit specified in the table.

TABLE 6.—MAXIMUM LEACHABLE CONCENTRATIONS (MG/L) AGENCY SPOT-CHECK VISIT SAMPLE

[Wastewater treatment sludge filter cake]

Constituents	TCLP leachate concentrations
Arsenic	<0.1
Barium	<0.05
Cadmium	<0.005
Chromium	<0.01
Lead	<0.1
Mercury	<0.002
Nickel	<0.04
Selenium	<0.1
Silver	<0.01
Total Cyanide	<0.01

< Denotes that the constituent was not detected at the detection limit specified in the table.

The Agency did not use the EPACML model to evaluate the mobility of any of the TC metals, nickel, cyanide, or the volatile priority pollutants, because none of the inorganic constituents were detected in the TCLP leachate (see Table 6) and none of the volatile priority pollutants were detected in the total constituent analysis. Furthermore, a comparison of Care Free's sampling data with the Agency's spot-check data revealed only minor variations in the analytical data; therefore, these spot-check visit data support the Agency's conclusion that Care Free's waste is not hazardous.

5. Conclusion

The Agency believes that Care Free's wastewater treatment system can render the filter cake waste non-hazardous. The Agency believes that the sampling procedures used by Care Free were adequate, and that the samples are representative of the day-to-day variations in constituent concentrations found in the wastewater treatment sludge filter cake both prior to, and after, Care Free rerouted the post-cleaning rinse water directly to the POTW.

The Agency, therefore, considers Care Free's wastewater treatment sludge filter cake as a non-hazardous waste, as it should not present a hazard to either human health or the environment based on the above evaluation. The Agency proposes to grant an exclusion to Care Free Aluminum Products, Incorporated, located in Charlotte, Michigan, for its F019 wastewater treatment sludge filter cake resulting from the treatment of wastewater generated through the chemical conversion coating of aluminum. If the proposed rule becomes effective the wastewater treatment sludge filter cake would no longer be subject to regulation under 40 CFR parts 262 through 268 and the permitting standards of 40 CFR part 270.

6. Annual Testing

If a final exclusion is granted, the petitioner will be required to demonstrate, on an annual basis, that the characteristics of the petitioned waste remain as originally described. In order to confirm that the characteristics of the waste do not change significantly, the facility must, on an annual basis, analyze a representative composite sample for the constituents listed in 40 CFR 261.24 using the method specified therein. The annual analytical results, including quality control information must be compiled, certified according to 40 CFR 260.22(i)(12), maintained on-site for a minimum of five years, and made available for inspection upon request by any employee or representative of EPA or the State of Michigan. Failure to maintain the required records on-site will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA.

The purpose of this condition is to ensure that the quality of the petitioned waste remains as originally described by the petitioner. The Agency believes that the data obtained from the annual recharacterization of the petitioned waste will enable both EPA and the RCRA facility inspectors to determine whether the petitioner's manufacturing and waste treatment processes have been significantly altered, or if the waste is more variable than originally described by the petitioner. The Agency also believes that the annual recharacterization of the petitioned waste is not overly burdensome to the petitioner and notes that these data will assist the petitioner in complying with 40 CFR 262.11(c) which requires generators to determine whether their waste is hazardous, as defined by the toxicity Characteristics (See 40 CFR 261.24).

If made final, the proposed exclusion will only apply to the processes and waste volume (a maximum of 100 cubic yards generated annually) covered by the original demonstration. The facility would require a new exclusion if either its manufacturing or treatment processes are significantly altered such that an adverse change in waste composition (*e.g.*, significantly higher levels of hazardous constituents) or increase in waste volume might occur. Accordingly, the facility would need to file a new petition for the altered waste. The facility must treat waste generated either in excess of 100 cubic yards per year or from changed processes as hazardous until a new exclusion is granted.

Although management of the waste covered by this petition would be relieved from subtitle C jurisdiction upon final promulgation of an exclusion, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Effective Date

The rule, if finally promulgated, will become effective immediately upon such final promulgation. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of Section 3010, EPA believes that this exclusion should be effective immediately upon final promulgation. These reasons also provide a basis for making this rule effective immediately upon promulgation under the Administrative Procedure Act, 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The proposal to grant an exclusion is not major, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. There is no additional impact, therefore, due to today's proposed rule. This proposal is not a major regulation; therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entities since its effect would

be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050-0053.

List of Subjects in 40 CFR Part 261

Hazardous Waste, Recycling, and Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: March 5, 1992.

Jeffrey D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX, part 261 add the following wastestream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
•	•	•
Care Free Aluminum Products, Inc.	Charlotte, MI	Wastewater treatment sludge (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum (generated at a maximum annual rate of 100 cubic yards). In order to confirm that the characteristics of the waste do not change significantly, the facility must, on an annual basis, analyze a representative composite sample for the constituents listed in 40 CFR § 261.24 using the method specified therein. The annual analytical results, including quality control information, must be compiled, certified according to 40 CFR 260.22(i)(12), maintained on-site for a minimum of five years, and made available for inspection upon request by any employee or representative of EPA or the State of Michigan. Failure to maintain the required records on-site will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA.
•	•	•

[FR Doc. 92-6389 Filed 3-18-92; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4116-2]

Wisconsin; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking on application of Wisconsin for program revision and public comment period.

SUMMARY: Wisconsin has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Wisconsin's application and has made a decision, subject to public review and comment, that Wisconsin's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Wisconsin's hazardous waste program revisions. Wisconsin's application for program revision is available for public review and comment.

DATES: Comments on the Wisconsin's program revision application must be received by the close of business on April 20, 1992.

ADDRESSES: Copies of Wisconsin's program revision application are available from 8:30 am to 4:30 pm at the following addresses for inspection and copying: Wisconsin Department of Natural Resources, Bureau of Solid and Hazardous Waste Management, 101 South Webster St., Madison, Wisconsin, 53707, contact Mark Gordon; U.S. EPA Region V, Library, 77 West Jackson Blvd., Chicago, Illinois 60604, contact John Maher, (312) 886-6085. Written comments should be sent to U.S. EPA Region V, John Maher, HRM-7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886-6085.

FOR FURTHER INFORMATION CONTACT: U.S. EPA Region V, John Maher, HRM-7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886-6085.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Wisconsin

Wisconsin initially received final authorization effective on January 31, 1986 (51 FR 3783). Wisconsin received authorization for revisions to its program. These revisions became effective on June 6, 1989 (54 FR 22278); and January 22, 1990 (54 FR 48243). On December 13, 1991, Wisconsin submitted a program revision application for additional program approvals. Today, Wisconsin is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(4).

EPA has reviewed Wisconsin's application, and has made a decision, subject to public review and comment, that Wisconsin's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Wisconsin final authorization for the additional program modifications. The public may submit written comments on EPA's decision up until April 20, 1992. Copies of Wisconsin's application for program revision are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

Approval of Wisconsin's program revision shall become effective when the Administrator's final approval is published in the **Federal Register**. If adverse comment pertaining to Wisconsin's program revision discussed in this notice is received EPA will publish either (1) a notice of disapproval or (2) a final rulemaking approving the modifications, which would include appropriate comment response.

EPA intends to grant Wisconsin authorization for the following provisions:

Federal requirement	Analogous state authority
Clarification of Closure, Post-Closure Financial Responsibility, 53 FR 7740, March 10, 1988.	NR 600.03; 685.02; 685.05(1), (a), (b), (e), (2), (a)–(f), (k), (3)(a), (4)(a), (5), (6), (7), (8), (10)(b); 685.06(1), (2), (d), (3), (4), (5), (6)(a), (8), (9), (10), (11); 685.07, (1)(b), (2), (3)(a), (b) 1., 4., (d), (4), (5), (a)2, (e)5., (7)(a)1., (e), (9); 685.08(4)(b).
Radioactive Mixed Waste, 51 FR 24505, July 3, 1986, 53 FR 37045	Wis. Stat. s.144.01(15).
Sharing of Information with ATSDR, 3019(b), November 8, 1984	Wis. Stat. s. 144.70.
Direct Action Against Insurers, 3004(t), November 8, 1984	Wis. Stat. s. 632.24.
Revised Manual SW–846; Amended Incorporation by Reference, 52 FR 8072, March 16, 1987.	NR 600.10(2), (b)1.
Closure/Post-closure for Interim Status Surface Impoundments, 52 FR 8704, March 19, 1987.	NR 660.15(1)(a)1.d., (d); 660.16(1)(d), (4); 660.17(2), (d), (e); 680.22 (25), (26), (27).
Definition of Solid Waste; Technical Corrections, 52 FR 21307, June 5, 1987	NR 605.09(3).
Amendments to Part B Information Requirements for Disposal Facilities, 52 FR 23447, June 22, 1987.	NR 660.09(1)(k), (1).
*Standards for Hazardous Waste Storage and Treatment Tank Systems, 51 FR 25422, July 14, 1986, and 51 FR 29430, August 15, 1986.	NR 600.03; 610.08, (1)(n); 615.05(4)(a)2., 3.; 630.15(2)(d); 630.31(1)(b); 645.04(3); 645.06(1)(i)1.–9., and 11.; 645.07 (1), (2), (3), (4); 645.08(1)–(7); 645.09(1)–(7), (8)(a)–(d), (9)(c), (d), (10), (11); 645.10(1)–(4); 645.12 (1), (3), (6); 645.13 (1), (2); 645.14 (1), (2); 645.17(1)(A)1., 2., 3.; 680.06(3)(e); 680.21; 680.22(6), (15), (22); 685.05; 685.06(1), (b), (c).
Spent Pickle Liquor from Steel Finishing Operations, 52 FR 28697, August 3, 1987.	NR 605.09(2)(b).
List of Hazardous Constituents for Ground-Water Monitoring, 52 FR 25942, July 9, 1987.	NR 635.13(10); 635.14(6); 660.08(2)(c)5.b; 660.09(1)(a).
Identification and Listing of Hazardous Waste, 52 FR 26012, July 10, 1987	NR 605.09(3)(a)3.
Hazardous Waste Miscellaneous Units, 52 FR 46946, December 20, 1987	NR 600.03; 630.15(2)(d); 630.18(1); 630.31(1)(h); 635.5(1)(d); 635.06(2) (a), (b), (5) (a), (b)1.; 680.06(3); 685.05(1)(e), (2), (8);
Technical Corrections; Identification and Listing of Hazardous Waste, 53 FR 13382, April 22, 1988.	NR 605.09(3) (b), (c).
Identification and Listing of Hazardous Wastes; Treatability Studies Sample Exemption, 53 FR 27290, July 19, 1988.	NR 600.03; 605.05(4)(a), 1.–3., (b), 1.–3., .a., .b.1.–5., 5., a.–c., 6., (c)3.a.–e., (5), (a)–(d)2., (e)–(k).
*Hazardous Waste Mangement System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	NR 600.03; 610.08(1)(m); 645.04(3); 645.09(1), (2), (8)(c), 680.22(22); 685.05(8); 685.06(1)(b).
*Dioxin Waste listing and Mangement Standards, 50 FR 1978, January 14, 1985	NR 600.04(2); 605.06(3), (5); 605.09(1)(d), (2)(a), (3)(c); 610.09(1), (2); 640.13(1); 645.06(1)(i)7.; 655.12(1), (2); 660.13(5); 660.20(1), (2); 665.09(13)(a), (b); 680.22; Appendixes II, III, V to 605.
*Household Waste, 50 FR 28702, July 15, 1985	NR 605.05(1)(a)1., a., 2.;
*Double Liners, 50 FR 28702, July 15, 1985	NR 655.07; 660.13(2)(b), (10)(a), (b), (d), (g); 680.22(25).
*Fuel Labeling, 50 FR 28702, July 15, 1985	NR 625.07(6)(d).
*Corrective Action, 50 FR 28702, July 15, 1985	NR 600.04(1); 635.17(1), (2).
*Pre-construction Ban, 50 FR 28702, July 15, 1985	Wis. Stat., ss. 144.64(2)(am)1; 144.44(2)(a); NR 157.07(2).
*Permit Life, 50 FR 28702, July 15, 1985	NR 680.45(8).
*Omnibus Provision, 50 FR 28702, July 15, 1985	Wis. Stat. s. 144.44(3)(g).
*Interim Status, 50 FR 28702, July 15, 1985	Wis. Stat. s. 144.64(2)(am)2; NR 680.20, (3); 680.24, (4); 680.31(1); 680.42(11)(d).
*Research and Development Permits, 50 FR 28702, July 15, 1985	Wis. Stat. s. 144.64(2)(am)2.; NR 680.20; 680.31(1); 680.51.
*Hazardous Waste Exports, 50 FR 28702, July 15, 1985	NR 615.12(1).
*Exposure Information, 50 FR 28702, July 15, 1985	NR 680.06(5)(b); 680.31(1).
*Biennial Report Correcton, 51 FR 28556, August 8, 1988	NR 630.40(1)(g)–(i); 680.22(15).

Federal requirement	Analogous state authority
*Exports of Hazardous Waste, 51 FR 28664, August 8, 1986	NR 600.03; 605.05; 610.04(2), (3); 610.07(1)(b), (c); 615.11; 615.12, (1)(j)-(n); 615.13(1), (2); 620.07(2)(a), (b), (4)(a), (b), (8)(b), (9), (10)(c), (d).
*Listing of EBDC, 51 FR 37725, October 24, 1986	NR 605.09(2)(a); Appendix II to 605.
*Land Disposal Restrictions, 51 FR 40572, November 7, 1986, and 52 FR 21010, June 4, 1987.	Wis. Stat. ss. 144.44(3)(g), 227.12(1); NR 600.01; 600.02; 600.03; 600.06(1)-(4); 605.02; 605.04; 605.05; (1)(b)(2), (3)(a); 605.06, (1), (2); 605.08(1)(b), 605.09(1)(c); 610.05(4); 610.07(1), (2); 610.09, (2); 615.06(6), 620.14; 625.04(4); 630.02; 630.04(2); 630.12(1); 630.13(1)(f), (h); 630.31(1)(d), (k)-(o); 675.01; 675.02; 675.03; 675.04(1), (a), (b), (2); 675.05, (1), (2); 675.6; 675.07(1), (a)1.a.-d., (b), 1, 2, (c), 1., (d), (2), (a), (b), (h)(2); 675.10(1), (2); 675.11(1); 675.20(1); 675.21(1), (2); 675.22(1), (2); 675.23(1), (2); 675.24; 675.30(1), (a), (b), 1.-2., (c), (2), (3), (4), (5), (2); 680.22(5), (6), (15); Appendixes I and II to 675.
*California List Waste Restrictions, 52 FR 25760, July 8, 1987, and 52 FR 41295, October 27, 1987.	NR 600.03; 600.10(2); 610.04(2), (3); 630.13(1)(h)3.; 675.03; 675.04(1)(a), (2); 675.06; 675.07(1), (a), 1., b., (b), 1.b., (2), (b), (h); 675.12(1), (a)-(e), (2), (a)-(c), (3), (4), (5), (a), (b); 675.20(1), (2); 675.22(1)(a), (b), 675.30(1), (5), (6), 680.22(6); Appendix I to 675.
*Exception Reporting for Small Quantity Generators of Hazardous Waste, 52 FR 35894, September 23, 1987.	NR 610.05(6); 610.08(1)(d), (f), (g); 615.11(2)(a).
*Permit Application Requirements Regarding Corrective Action, 52 FR 45788, December 1, 1987.	NR 660.09(1)(a).
*Corrective Action Beyond the Facility Boundary, 52 FR 45788, December 1, 1987.	NR 635.15(5), (a) (b); 635.17(3).
*Permit as a Shield Provision, 52 FR 45788, December 1, 1987	NR 680.40(2).
*Farmer Exemptions; Technical Corrections, 53 FR 27165, July 19, 1988	NR 610.04(2), (3); 615.04(2); 615.05(3)(b).
*Land Disposal Restrictions for the First Third Schedule Wastes, 53 FR 31138, August 17, 1988, and 54 FR 8264, Febuary 27, 1989.	NR 630.13(1)(h)3.; 630.31(1)(k)-(o); 675.04(1)(a), 1.-4.; 675.07(1), (a), 1., (b), (c)1., a.-e., (d)1.a.-d., (e), (f), (2), (a), (b), (c), (d)1., (e), (f), (g), 1.-4., (h), 1., 2.; 675.10(1)-(3); 675.11(1), (2); 657.12(1), (a), (2), (3); 675.13(1)-(4), (a)-(c), (5); 675.20(1), (3); 675.21(1); 675.22(1)(b); 675.23(1), (2); 675.30(4); 680.22(6), (15).
*Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	NR 600.03; 610.08(1)(n); 645.04(3); 645.09(1), (2), (8); 680.22(22); 685.05(8); 685.06(1)(b).
*Identification and Listing of Hazardous Waste; Technical Corrections, 53 FR 27162, July 19, 1988.	NR 610.09, (2).
*Land Disposal Restriction Amendments to First Third Scheduled Wastes, 54 FR 18836, May 2, 1989.	NR 675.23(1).
*Land Disposal Restrictions for Second Third Schedule Wastes, 54 FR 26594, June 23, 1989.	NR 675.14(1)-(8), (a), (b), (9), (10); 675.21(1); 675.22(1)(c), (d); 675.23(1), (2).
*Land Disposal Restrictions; Correction to the First Third Schedule Wastes, 54 FR 36967, September 6, 1989.	NR 675.05; 675.07(1)(c), 1., (d), 675.13(1), (5); 675.30(4).

All NR regulations became effective on March 1, 1991.
*HSWA reqirements.
*Both non-HSWA and HSWA requirements.

EPA shall administer any RCRA hazardous waste permits or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on January 31, 1986, June 6, 1989, and January 22, 1990, the effective dates of Wisconsin's final authorization for the RCRA base program for non-HSWA Cluster I and part of II.

Wisconsin is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Effect of HSWA on Wisconsin's Authorization

1. General

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA carries out those requirements and prohibitions directly in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there is a dual State/Federal regulatory program in Wisconsin. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Wisconsin until the State is authorized for them.

Once EPA authorized Wisconsin to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Wisconsin's program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified in the "Wisconsin" section of this notice. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus

regulated handlers must comply with any more stringent State requirements.

EPA published a FR notice explaining in detail the HSWA and its effect on authorized States (50 FR 28702–28755, July 15, 1985).

2. Land Disposal Prohibitions

EPA does not intend to authorize Wisconsin to impose certain land disposal prohibitions in this application. The regulations implementing the land disposal prohibitions are found in 40 CFR Part 268. Under sections 5, 6, 42(b) and 44 of part 268, EPA has authority to consider petitions for case-by-case extensions to prohibition effective dates, exemptions to prohibitions based upon a showing of no potential for waste migration, alternate treatment methods, and variances from treatment standards, respectively. Consideration of the sections 5, 42(b) and 44 petitions is permanently reserved to EPA because consideration of those petitions requires a national perspective. In the future, EPA may authorize States to consider the Section 6 petitions. However, EPA is currently requiring that EPA Headquarters handle these petitions. Nothing in RCRA prohibits a State from adopting requirements that parallel Federal requirements. Therefore, petitioners seeking a Section 6 exemption must be granted approval by both EPA and the State.

On August 17, 1990, EPA promulgated the most recent phase of the regulatory framework implementing the land disposal prohibitions. EPA promulgated earlier phases on November 7, 1986, June 4, July 8, and October 10, 1987, August 17, 1988, February 27, May 2, June 23, and September 6, 1989, and June 1, June 13, and August 17, 1990. Wisconsin's rulemaking process follows the EPA rulemaking process. An unavoidable consequence is that Wisconsin's current land disposal prohibitions program is not as comprehensive as the Federal program. Since each new phase of the land disposal prohibition regulations has included modifications to earlier phases and in most instances, those modifications have made the regulatory framework more stringent, certain Wisconsin land disposal requirements may be superseded by Federal land disposal requirements. However, since the balance of the Federal regulations are promulgated pursuant to HSWA, the regulations are effective in Wisconsin and all other States and are directly implemented by EPA. Regulated handlers must comply with any requirements of the retained Federal land disposal prohibitions program that may be more stingent than the analogous requirements of the Wisconsin program. Conversely, because compliance with RCRA does not exempt regulated handlers from compliance with State law, such handlers must also meet any requirements of the Wisconsin program that may be more stringent than the analogous requirements of the Federal program. As a consequence, regulated handlers facing an apparent conflict between State and Federal land disposal prohibitions must always comply with the more stringent of the two requirements.

Codification

EPA codifies authorized State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of the Wisconsin program will be completed at a later date.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a signficant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Wisconsin's program thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. The proposed rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This proposed rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b).

Ralph Bauer,

Acting Regional Administrator.

[FR Doc. 92–6388 Filed 3–18–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 92–26; FCC 92–59]

Formal Complaints Against Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking was adopted to explore ways in which to improve the Commission's rules governing the handling of formal complaints and expedite resolution of such complaints. The Commission is particularly concerned with addressing delays caused by operation of the discovery process and the filing of repetitive pleadings. Toward this end, the Commission is proposing that formal complaint rules be changed by (1) modifying filing deadlines (e.g., deadlines for answering complaints and responding to discovery would be shortened); (2) eliminating certain pleading opportunities which do not appear particularly useful or necessary (e.g., routine replies to answers to complaints and replies to oppositions to motions would be discontinued); (3) expediting and consolidating the discovery process (e.g., deadlines for initiating, responding and objecting to discovery would be shortened, and the scope of discovery would be limited); (4) adopting rules providing for confidential treatment by opposing parties of certain materials produced through discovery; and (5) authorizing the staff to deliver verbal rulings on a variety of interlocutory matters (e.g., objections to discovery and submission of briefs or other record evidence).

DATES: Comments must be submitted on or before April 21, 1992. Reply comments must be submitted on or before May 11, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mary Romano, 202–632–4887.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act. Copies of the submission may be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036. Persons wishing to comment on this information collection should direct their comments to Jonas Neihardt (202) 395–4814, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Information and Records Management Branch, Washington, DC 20554. For further information contact Judy Boley, (202) 632–7513.

OMB Number: 3060–0411.

Title: Sections 1.720–1.734, Formal Complaints Against Common Carriers.

Action: Proposed Revisions.

Respondents: Business on other for profit, including small businesses.

Frequency of Response: On occasion.

Estimated Annual Burden: 7600; *Number of respondents:* 380; *Number of responses per respondent:* 2; *Hours per response:* 10.

Needs and Uses: Information filed pursuant to 47 CFR 1.720 et seq. is provided either with or in response to a formal complaint. The information will be used to resolve a dispute and to determine whether a carrier has violated the Communications Act or a Commission rule or order. The respondents affected are complainants and defendants in complaint proceedings, usually telecommunications common carriers and customers. The NPRM solicits public comment to change certain rules and procedures to facilitate timelier resolution of formal complaints by eliminating procedures and pleading requirements that have caused unintended and unnecessary delays.

This is a synopsis of the Commission's Notice of Proposed Rulemaking in CC Docket No. 92–26 [FCC 92–59], adopted February 13, 1992 and released March 12, 1992. The full text of the Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street NW., Washington, DC. The full text of this Notice of Proposed Rulemaking may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452–1422.

Summary of Notice of Proposed Rulemaking

1. On February 13, 1991, the Commission adopted a Notice of Proposed Rulemaking in CC Docket No. 92–26 (released March 12, 1992; FCC 92–59) in order to propose changes to rules governing the procedures to be followed when formal complaints are filed against common carriers.

2. The Commission has observed that current procedures, particularly those relating to discovery, have often operated to prolong rather than expedite the formal complaint process. The proposed rules are intended to minimize delay and expedite resolution of formal complaints.

3. Toward this end, the NPRM proposes to modify filing deadlines for certain pleadings in formal complaint cases. Specifically, consistent with the Federal Rules of Civil Procedure, answers to complaints would be due within 20 days from service rather than the 30 days currently allowed. Likewise, responses to interrogatories or other discovery instruments would be due within 20 days from service instead of 30 days.

4. The NPRM also proposes to change the discovery timetable by shortening the time available to initiate discovery so that, unless otherwise directed by the staff, no discovery instrument would be served on an opposing party either before the deadline for filing an answer to a complaint or more than 20 days after such date.

5. The discovery process would also be modified to prohibit any inquiry regarding alleged damages until after an initial finding of liability by the Commission. Since the time and effort expended by the parties and the staff on discovery regarding damages is effectively wasted if no violation or liability is found, the Commission believes a bifurcated approach separating liability and damage issues would expedite and simplify formal complaint discovery and, ultimately, resolution. In addition, the Commission has also proposed a new rule which would provide for the confidential treatment of materials exchanged by opposing parties during formal complaint discovery.

6. The NPRM also proposes to that routine replies to answers to complaints no longer be permitted. Similarly, replies to oppositions to motions would also be discontinued. The Commission has concluded that in most cases, these pleadings have not significantly aided in the resolution of factual or legal issues in the formal complaint context and often simply have repeated arguments made in the original complaint or motion.

7. Finally, to further expedite the formal complaint process, the NPRM proposes to permit the staff to deliver verbal rulings on a variety of interlocutory matters associated with formal complaints. In particular, during status conferences, the staff would issue verbal rulings regarding discovery disputes and submission of briefs and other record evidence. These rulings would be promptly memorialized in writing and served on the parties.

8. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Regulatory Flexibility Act.

9. This notice and comment rulemaking proceeding is non-restricted. Section 1.1206(a) of the Commission's rules, 47 CFR 1.1206(a), contained provisions governing permissible *ex parte* contracts.

10. Accordingly, pursuant to section 1, 4(i), 201(b), 208 and 403 of the Communications Act, 47 U.S.C. 151, 154(i), 201(b), 208 and 403, a Notice of Proposed Rulemaking is Issued, proposing amendment of 47 CFR 1.720 *et seq.*

11. Pursuant to §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, all interested parties may file comments on the matters discussed in this Notice and on the proposed rules by April 21, 1992. Reply comments are due by May 11, 1992. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants wish each Commissioner to have a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (room 203) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure; Communications common carriers.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6450 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-45, RM-7918]

Radio Broadcasting Services; Fargo, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Northwestern College seeking the substitution of Channel 250C for Channel 250C1 at Fargo, North Dakota, and the modification of its license for Station KFNW-FM to specify operation on the higher powered channel. Channel 250C can be allotted to Fargo in compliance with the Commission's minimum distance separation requirements with a site restriction of 33.8 kilometers (21 miles) west to accommodate petitioner's desired transmitter site, at coordinates North Latitude 47-00-37 and West Longitude 97-11-40. Canadian concurrence is required because Fargo is located within 320 kilometers (200 miles) of the U.S.-Canadian border. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 250C at Fargo or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before May 4, 1992, and reply comments on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Wilner, Esq., Bryan, Cave, McPheeters & McRoberts, 700 Thirteenth Street, NW., suite 700, Washington, DC 20005-3960 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-45, adopted March 2, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-6454 Filed 3-18-92; 8:45am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-46, RM-7915]

Radio Broadcasting Services; Cloquet, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by WKLK, Inc., proposing the substitution of Channel 243C3 for Channel 243A at Cloquet, Minnesota, and modification of the construction permit for Station KOUV to specify operation on Channel 243C3. Canadian concurrence will be requested for this allotment at coordinates 46-43-20 and 95-25-15. We shall propose to modify the construction permit for Channel 243A in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before May 4, 1992, and reply comments on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel as follows: Anne Thomas Paxson, Borsari & Paxson, 2033 M Street, NW., suite 630, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-46, adopted March 2, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-6456 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-44, RM-7914]

Radio Broadcasting Services; Hattiesburg, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Community Broadcasting Company, Inc., proposing the allotment of Channel 269C3 to Hattiesburg, Mississippi, as that community's fourth FM broadcast service. The coordinates for Channel 269C3 are 31–20–39 and 89–12–08. There is a site restriction 8.4 kilometers (5.2 miles) east of the community.

DATES: Comments must be filed on or before May 4, 1992, and reply comments on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John S. Neely, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–44, adopted March 2, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452–1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contract.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6455 Filed 3–18–92; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Supplement to the Final Environmental Impact Statement for Nursery Pest Management, Pacific Northwest Region

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a final environmental impact statement.

SUMMARY: The Forest Service will prepare a draft and final supplement to the Final Environmental Impact Statement (FEIS) for Nursery Pest Management in the Pacific Northwest Region (October 1989). The supplement is for a Forest Service proposed action to consider additional chemicals for use with the selected alternative in the FEIS, at the Wind River Nursery (Gifford Pinchot National Forest) and J. Herbert Stone Nursery (Rogue River National Forest). The Forest Service invites written comments on the supplement and the scope of the proposed action. In addition, the Forest Service gives notice of the full environmental analysis and decision making process that will occur on the proposal so that interested and affected people are aware of how they may participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by April 15, 1992.

ADDRESSES: Send written comments to: Ed Olson, USDA Forest Service, Wind River Nursery, Carson, Washington 98610 or Steven Feigner, USDA Forest Service, J. Herbert Stone Nursery, Central Point, Oregon 97502.

FOR FURTHER INFORMATION CONTACT: Sally Campbell, USDA Forest Service, P.O. Box 3623, Portland, Oregon 97208, phone (503) 326–7755.

SUPPLEMENTARY INFORMATION: The Nursery Pest Management FEIS Record of Decision was signed October 31, 1989. No appeals were filed. This supplement is being prepared to keep the FEIS updated and current with pest management needs at the Wind River and J. Herbert Stone nurseries. The FEIS will remain in effect and continue to be implemented during the preparation of the supplement to the FEIS.

The primary objective of Forest Service nurseries is to produce seedlings of high quality and sufficient quantitiy to meet Forest Service reforestation needs. The use of modern pest management technology and products are necessary to meet this objective. Presently, the nurseries are implementing an Integrated Pest Management (IPM) approach utilizing all measures of pest control, including chemical pesticides approved for both sites. Some of these chemicals are no longer being manufactured. Also, increasing populations of certain pests seem to indicate that treatment with chemical pesticides not included in the 1989 FEIS may be appropriate. To continue implementing the basic principles of IPM, it is necessary to consider augmenting the list of approved chemical pesticides.

In preparing the draft supplement to the FEIS, the Forest Service will develop alternatives which address the issue of adding chemical pesticides to the list of approved pesticides identified in the FEIS. Pesticides being considered are the following: (1) Simazine—for use in the control of weeds at the J. Herbert Stone Nursery. (2) Oxyfluorfen—for use in the control of weeds at the Wind River Nursery, and (3) DCNA and Metalaxyl—for use as fungicides at the Wind River Nursery. The Forest Service will conduct a site-specific risk assessment, for the proposed chemicals, as part of the supplement.

Public participation will be important during the analysis. The Forest Service will solicit information and seek comments by notifying individuals and organizations known to be interested, as well as affected publics and key contacts involved in the scope of the FEIS analysis. Input will be solicited through mailings and public meetings at the affected nurseries. Comments received will be used in preparation of the supplement.

The draft supplement to the FEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by May 1992. At that time, EPA will publish a notice of availability of the draft supplement in the **Federal Register.**

The comment period on the draft supplementary will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in the proposed action participate at that time. To be most helpful, comments on the draft supplement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Following the comment period on the draft supplement, comments will be analyzed, considered, and responded to by the Forest Service in preparing the final supplement. The final supplement to the FEIS is scheduled to be completed by August 1992.

John F. Butruille, Regional Forester, Pacific Northwest Region, is the responsible official. The responsible official will consider the comments and responses; environmental consequences discussed in the environmental impact statement; and applicable laws, regulations, and policies in making a decision regarding this action. The decision and reasons for the decision will be documented in the Record of Decision. That decision will be subject to appeal in accordance with 36 CFR Part 217.

Dated: March 6, 1992.

John E. Lowe,

Deputy Regional Forester.

[FR Doc. 92–6350 Filed 3–18–92; 8:45 am]

BILLING CODE 3410–11–M

Cabin Timber Sale, Wallowa-Whitman National Forest, Baker County, OR

AGENCY: Forest Service, USDA.

ACTION: Revision of a notice of intent to prepare an environmental impact statement.

SUMMARY: This notice of intent revises the notice of intent to prepare an environmental impact statement (EIS) for the Cabin Timber Sale, Wallowa-Whitman National Forest, Baker County, Oregon, published on February 7, 1991 in the Federal Register (56 FR 4968). Following preliminary scoping and environmental analysis, the Wallowa-Whitman National Forest has changed the proposed action and the timeline for release of the draft and final EIS. The location of the proposed timber sale has not changed, so the scope of the project in terms of timber harvest or road construction in unroaded areas has not changed.

The proposed action in the original notice of intent came from the Wallowa-Whitman Land and resource Management Plan (Appendix C, page C-15), describing the proposed action as: Cabin Creek timber sale to be sold in fiscal year 1992, harvesting 12 million board feet of timber for 600 acres of suitable ground with 4.0 miles of road construction. This revised notice of intent makes the following changes: the sale name is changed from the Cabin timber sale to the Elk-Cabin Timber Sale; the new proposed action would occur in fiscal year 1993 harvesting approximately 4 million board feet of timber from 250 acreas of suitable land with minimal road construction.

The draft EIS (originally planned for release in July 1991) is expected to be available for review in May 1992 with the final EIS in December 1992.

FOR FURTHER INFORMATION CONTACT: Questions and comments about this EIS should be directed to Lynne Smith or Dave Clemens, Pine Ranger District, General Delivery, Halfway, Oregon 97834, telephone (503).

Dated: March 27, 1992.

R.M. Richmond,

Forest Supervisor.

[FR Doc. 92-6351 Filed 3-18-92; 8:45 am]

BILLING CODE 3410-11-M

Scientific Advisory Board: Mount St. Helens National Volcanic Monument, Gifford Pinchot National Forest, Clark County, Vancouver, WA; Meeting

The Mount St. Helens Scientific Advisory Board will meet at 8:30 a.m., on June 9, 1992, in the National Volcanic Monument Visitor Center at 3029 Spirit Lake Highway, Castle Rock, Washington 98611, to receive information on and discuss the following:

1. Coldwater/Johnston Complex update.
2. Backcountry Management Plan.
3. Castle Lake update.
4. Open discussion on relevant topics.

The meeting will be open to the public. Persons who wish to make a statement to the Board should notify Dr. Jack K. Winjum, Chairperson, c/o Gifford Pinchot National Forest, 6926 E. Fourth Plain Blvd., Vancouver, Washington 98668, 206-750-5000. Written statements may be filed with the Board before or after the meeting.

Dated: March 10, 1992.

Nancy Graybeal,

Acting Regional Forester.

[FR Doc. 92-6382 Filed 3-18-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Japan Aviation Electronics Industry Limited; Order Denying Permission To Apply for or Use Export Licenses

In the Matter of: Japan Aviation Electronics Indusry Limited; 21-6, Dogenzaka 1-chrome, Shibuya-Ku, Tokyo 150, Japan

On March 11, 1992, Japan Aviation Electronics Industry Limited (JAE) was convicted in the United States District Court for the District of Columbia of violating section 38 of the Arms Export Control Act (22 U.S.C. 2778) (AECA). Section 11(h) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app 2401-2420 (1991)) (EAA),[1] provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of a violation of section 38 of the AECA, or certain other provisions of the United States code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person has any interest at the time of his conviction may be revoked.

Pursuant to § 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating the AECA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall detrmine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of JAE's conviction for violating the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny JAE permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of three years from the date of its conviction, with portions of that denial period being suspended. I have also decided to suspend, for a period of one year, all validated export licenses issued pursuant to the EAA in which JAE had an interest at the time of its conviction.

Accordingly, it is hereby

Ordered:

I. (a) Until March 11, 1995, Japan Aviation Electronics Industry Limited, 21-6, Dogenzaka 1-chrome, Shibuya-ku, Tokyo 150, Japan, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving any commodity or technical data exported or to be exported from the United States, in whole or in part, or that is otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United states or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency economic Powers Act (50 U.S.C.A. 1701-1706 1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

exported from the United States and subject to the Regulations; (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data; and (vi) in participating, in any manner or capacity, in any outstanding individual validated license or in any special licensing procedure, including, but not limited to, distribution licenses.

(b) The denial period set forth above is suspended for the entire three-year period for any transaction in which the end-user of U.S.—origin commodities or technical data is an agency or instrumentality of either the United States or the Japanese governments.

(c) The last 33 months of the three-year denial period shall be suspended for a period of 33 months, beginning three months from the date of this order, for any transaction involving U.S.—origin commodities, software, and technical data that are authorized for export to Japan pursuant to any general license set forth in parts 771 and 779 of the Regulations, for any transaction involving a reexport by JAE pursuant to the permissive reexport provisions of part 774 of the Regulations, and for any transaction involving the export by JAE of U.S.— origin parts, components, materials, or other commodities incorporated abroad into a foreign-made product for which no prior written authorization is required from the Office of Export Licensing pursuant to § 776.12(b) and (d) of the Regulations or that is subject to the permissive reexport provisions of § 779.8 of the Regulations.

(d) The last 24 months of the three-year denial period shall be suspended for a period of 24 months, beginning one year from the date of this order, for all other transactions not covered by subparagraphs (b) and (c) above.

(e) The suspended denial periods set forth in subparagraphs (b), (c), and (d) above shall be waived following the three-year denial period, provided that JAE:

(1) Commits no violation of the Act or any regulation, order, or icense issued under the Act;

(2) Allows unannounced inspections by appropriate Department officials to ensure JAE's compliance with the Act and any regulation, order, or license issued thereunder, as well as to review and monitor JAE's Internal Compliance Program;

(3) Implements any remedial measures suggested by the Department to JAE's Internal Compliance Program to safeguard U.S.-origin equipment and technical data;

(4) Files, by the 15th of each month, a report with the Director, Office of Export Enforcement, identifying each transaction involving the purchase, sale, or other transfer of U.S.-origin commodities or technical data subject to the Regulations in which JAE engaged during the preceding calendar month. Each report shall identify the U.S. supplier, the date the commodity or technical data was received by JAE, the date of any in-country transfer or reexport by JAE, the applicable Japanese or U.S. export licenses or authorizations for any reexport, and the end-use or end-user for the equipment. Such reports shall be filed for each month that all or a portion of the denial period set forth above is suspended pursuant to subparagraphs (b), (c), and (d) above.

(f) During the period the denial period set forth above is suspended pursuant to subparagraphs (b), (c), and (d) above, JAE may participate in transactions that are subject to the Regulations in accordance with the requirements of the Act and the Regulations.

II. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any firm, corporation, or business organization related to JAE by affiliation, ownership, control, or position of responsibility may also be subject to the provisions of this Order.

III. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

IV. This Order is effective immediately.

V. A copy of this Order shall be delivered to JAE. This Order shall be published in the **Federal Register**.

Dated: March 12, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92-6383 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-421-701]

Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Reviews

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of Antidumping Duty Administrative Reviews.

SUMMARY: On November 1, 1991, the Department of Commerce published the preliminary results of two administrative reviews of the antidumping duty order on brass sheet and strip from the Netherlands. The reviews cover one exporter and two consecutive periods from February 8, 1988 through July 31, 1990.

We gave interested parties an opportunity to comment on our preliminary results of these reviews. At the request of respondent, we held an administrative hearing on December 19, 1991. Based on our analysis of comments received and the correction of certain clerical errors, we have changed the final results from those presented in our preliminary results of these reviews.

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Sally A. Craig or Linda L. Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1991, the Department of Commerce ("the Department") published in the **Federal Register** (56 FR 56187) the preliminary results of two administrative reviews of the antidumping duty order on brass sheet and strip from the Netherlands. The Department has now conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

Scope of the Review

Imports covered by these reviews are brass sheet and strip, other than leaded

brass and tin brass sheet and strip, from the Netherlands. The chemical compositions of the products under review are currently defined in the Copper Development Association ("C.D.A.") 200 series or the Unified Numbering System ("U.N.S.") C20000 series. Products whose chemical compositions are defined by other C.D.A. or U.N.S. series are not covered by these reviews. The physical dimensions of the products covered by these reviews are brass sheet and strip of solid rectangular cross section over 0.006 inch (0.15 millimeters) through 0.188 inch (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound on reels (traverse wound), and cut-to-length products are included. Prior to January 1, 1989, this merchandise was classifiable in the Tariff Schedules of the United States Annotated ("TSUSA") under item numbers 612.3960, 612.3982, and 612.3986. Since that date, the merchandise has been classifiable under the Harmonized Tariff Schedule ("HTS") item numbers 7409.21.00.50, 7409.21.00.75, 7409.29.00.50, and 7409.29.00.75. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The reviews cover one manufacturer/exporter, Outokumpu Copper Products B.V. ("OBV") (formerly Metallverken Nederland B.V.), and the two periods from February 8, 1988 through July 31, 1989 ("88/89 review") and August 1, 1989 through July 31, 1990 ("89/90 review").

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received timely comments from both petitioners and OBV. At the request of OBV, a public hearing was held on December 19, 1991.

Comments Pertaining to Both Reviews

Comment 1: Petitioners urge the Department to change the hierarchy of product comparison criteria used for the preliminary analysis (alloy, gauge, width, coating, and packed form) to the following: Form, which is described by petitioners as coil/strip, traverse-wound, or cut-to-length/sheet; coating, which is described by petitioners as tinned or non-tinned; alloy; gauge; and width. Petitioners assert that this conforms to the hierarchy used in the final results of review for both the Canadian and German brass sheet and strip cases (Final Results of Antidumping Duty Administrative Review of Brass Sheet and Strip from Canada and Revocation, in Part, of the Antidumping Duty Order, 56 FR 57317 (November 8, 1991), and Brass Sheet and Strip from the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review, 56 FR 60087 (November 27, 1991) (adopting the preliminary results, 56 FR 29938)). Petitioners maintain that form and coating are the two most important comparators and should be at the top of the hierarchy rather than at the bottom.

Department's Position: The Department is not satisfied that compelling justification has been submitted by petitioners for changing the order of the product comparison criteria after the issuance of the preliminary results. We note that petitioners agreed during the preliminary course of these reviews that "alloy" should be the first criterion in the hierarchy. Moreover, petitioners mischaracterize the recent German and Canadian reviews. In the brass cases, the Department makes a distinction between "form," defined as sheet versus strip, as opposed to "packed form," defined as the type of packing used (e.g., in coils or traverse-wound). Although we agree that "form" should be of primary consideration in the hierarchy, all sales under consideration in these Dutch reviews are of brass in strip form. Thus, we do not consider "form" to be a relevant comparator in the hierarchy in the hierarchy for these reviews. This differs from the situation in the German and Canadian reviews. Furthermore, because we do not consider "packed form" (i.e., coiled or traverse-wound strip) and "coating" to be the primary comparators in the hierarchy, we have not moved these criteria further up in the hierarchy for the final results.

The hierarchy we used in our preliminary analysis, with the exception of the exclusion of "temper," was that used in the original investigation of sales at less than fair value, which is as follows: Alloy, gauge, width, temper, coating, and packed form. Although we did account for "temper" in our preliminary analysis with the use of a difference-in-merchandise ("diffmer") adjustment, this comparator was not a variable in the hierarchy of product comparison criteria in our preliminary results. Therefore, we have inserted "temper" as a variable in the hierarchy for the final results so that the hierarchy conforms exactly to that used in the original investigation for purposes of determining such or similar merchandise.

Comment 2: Petitioners propose that the Department change it model match methodology. Instead of eliminating factors altogether and in pairs when an identical match cannot be found, petitioners urge the Department to select sales using the next most similar product comparison factor (i.e., the next closest gauge, width, or alloy). Petitioners maintain that the Department's methodology has resulted in comparisons of dissimilar merchandise. Particularly because the Department's methodology eliminates factors in pairs rather than singly, petitioners assert that the methodology ignores substantially more similar home market sales which should be used in comparison to U.S. sales. Therefore, petitioners further urge the Department to examine each of the comparison factors one at a time, rather than in pairs.

Department's Position: Petitioners proposed, after we issued the preliminary results, that we alter the model match methodology so that the next most similar product comparison factor is sought when an identical match cannot be found, rather than eliminating the factor altogether. The Department, however, views its model match methodology as reasonable. Product comparison factors are eliminated in reverse order of importance in the hierarchy when identical matches are unavailable. In addition, diffmer adjustments are then made, where such data is available, to account for the differences in product characteristics as comparison factors are eliminated. Moreover, the Department's methodology is consistent with the methodology used in other brass sheet and strip cases (see, e.g., Brass Sheet and Strip From Sweden; Final Result of Antidumping Duty Administrative Reviews, 57 FR 2706 (January 23, 1992)). At this stage of the proceeding, the Department is unable to determine whether the fundamental changes proposed by petitioners would result in more appropriate matches between U.S. and home market sales. For these reasons, therefore, the Department has not altered its model match methodology in this respect for the final results.

Regarding petitioners' proposal that we drop comparison factors singly rather than in pairs, the Department has determined that this change is reasonable because it ensures that the home market model has as many characteristics as possible in common with the U.S. model. In addition, it is not a substantial change in the fundamental methodology used for the preliminary results. Therefore, we have modified our model match methodology by eliminating criteria one at a time.

Comment 3: Petitioners assert that adjustments for width, coating, and

packed form must be made despite the lack of diffmer data on the record conforming to the width groupings from the original investigation. Petitioners maintain that the Department must either make adjustments for differences in physical characteristics or use best information available when comparing a more costly U.S. sale to a less costly home market sale. Petitioners submit that, if the Department decides that use of best information available is not appropriate, the Department should either (1) modify the data provided by respondent for respondent's proposed width groupings to conform to the width groupings used from the original investigation or (2) rely on cost of production ("COP") and constructed value ("CV") data already provided by respondent to construct diffmers for the width groupings used in the preliminary analysis.

Department's Position: The Department has determined that diffmer adjustment data conforming to the width groupings used in both the original investigation and our preliminary results is appropriate for the final results. Because constructing diffmers using data on the record would have required numerous and substantial calculations, the Department requested all necessary diffmer data from the respondent after issuance of the preliminary results. We have used this diffmer information, conforming to the width groupings used in our preliminary analysis, for our final results.

Comment 4: Petitioners maintain that an adjustment should be made for commissions paid by OBV's related companies, Outokumpu Copper Rolled Products AB and Outokumpu Radiator Strip AB (collectively, "OAB"), to its U.S. subsidiary, Outokumpu Copper (USA) Inc. ("OCUSA"). Petitioners believe that the commissions are directly related to the sales at issue, Furthermore, petitioners maintain that OBV failed to submit information or related-party commission payments and, therefore, that it has failed in its responsibility to prove that the related-party commissions paid are not at arm's length. Thus, petitioners assert that the Department must assume that the rates were at arm's length and use the highest reported commission rate during this period as the best information available.

Department's position: The Court of Appeals' remand in *LMA–La Metalli Industriale S.p.A.* v. *United States*, 912 F.2d 455, 458 (1990), instructed the Department to adjust for commissions paid to a related party in the home market when the commissions were determined to be (1) at arm's length and (2) directly related to the sales in question. Subsequent to this, the Department has developed the following guidelines to determine whether commissions paid to related parties, either in the United States or in the foreign market, are at arm's length.

(1) We will compare the commission paid by the respondent to the related selling agent to those paid by the respondent to any unrelated selling agents in the same market (home or U.S.) or in any third country market.

(2) In cases where there is not an unrelated sales agent, we will compare the commission earned by the related selling agent of sales of merchandise produced by the respondent to commissions earned by the related selling agent on sales of merchandise produced by other unrelated sellers or manufacturers (Final Determination of Sales at Less Than Fair Value: Coated Groundwood Paper From Finland, 56 FR 56363 (November 4, 1991) ("Coated Groundwood Paper from Finland")).

As we stated in Coated Groundwood Paper from Finland, in appropriate circumstances, we will also examine the nature of the agreements or contracts between the manufacturer(s) and selling agent(s) which establish the framework for payment of commissions and for services rendered in return for payment, in order to ensure that both related and unrelated agents perform approximately the same services for the commissions (*Id* at 56372). If, based on the above analysis, the Department is satisfied that the commissions are at arm's length as well as directly related to the sales, we will make an adjustment for these commissions.

In the 88/89 review, OBV used an unrelated commissionaire to sell the subject merchandise in the U.S. market. In responding to the Department's questionnaire, OBV claimed that its parent company, Metallverken AB (now OAB), made payments to its related party, OCUSA, in connection with U.S. sales, but OBV failed to report the amounts. In its rebuttal brief submitted after publication of the Department's preliminary results, however, OBV did report the amounts of these payments to OCUSA during 1989. Normally, the Department would view this submission as untimely. to reject this submission, however, would reward OBV for its untimeliness. Therefore, circumstances require that we use this information in calculating U.S. price. Respondent's new data enables us, first, to make the necessary comparison between the payments made by OAB to the related subsidiary on the one hand and the commissions paid by OAB to the unrelated party on the other. Although the Department is satisfied that these payments were directly related to the sales made by OCUSA, we find that they were not made at arm's-length rates. Accordingly, we did not adjust for these payments as commissions in the 88/89 review. The Department, however, normally regards such payments to related parties as indirect selling expenses (see Television Receivers, Monochrome and Color, from Japan: Final Results of Antidumping Duty Administrative Review, 54 FR 13917, 13924 (April 6, 1989)). Thus, we added these payments to indirect selling expenses in the exporter's sale price ("ESP") calculation for the final results.

In the 89/90 review, OBV provided the amounts of the payments made by OAB to OCUSA in response to the Department's supplemental questionnaire. The Department is satisfied that these payments were directly related to the sales made by OCUSA. During this review period, OBV also used an unrelated commissionaire to sell the subject merchandise in the U.S. market. Thus, the Department compared the payments made by OAB to its related party to the commissions paid by OAB to the unrelated party and determined that these payments were not made at arm's-length rates. Accordingly, the Department did not adjust for these payments as commissions in the 89/90 review. However, because the Department does regard such payments to related parties as indirect selling expenses (see id), we added these payments to indirect selling expenses in the ESP calculation for the final results.

Comment 5: Petitioners note that OBV's reported metal loss values are less than the metal loss values reported in the audited financial statements. Thus, petitioners submit that the Department should calculate OBV's metal loss amounts based on the amounts reported in the financial statements.

Department's Position: The Department has determined not to recalculate the metal loss values reported by OBV because respondent has provided a reasonable explanation, which is supported by information already on the record. Respondent states that the amounts reported in its response reflect an appropriate adjustment to account for recipe gains (which result when a discrepancy exists between the nominal and actual compositions of an alloy), while the amounts reported in the financial statements are reported on a gross basis. It further states that the recipe

gains or losses are accounted for elsewhere in the financial statements. Because we have no basis for disputing respondent's claim, we have used the metal loss values as reported by OBV.

Comment 6: Petitioners assert that U.S. price should be adjusted downward to compensate for the absorption or reimbursement of antidumping duties by respondent. Petitioners submit that evidence or reimbursement between the foreign producer and its U.S. subsidiary exists because of respondent's assertion on the record that transfers of funds between OCUSA and its parent company are merely "intracorporate transfers." Thus, petitioners assert that the payments for antidumping duties noted in OCUSA's financial statements are tantamount to payment of those duties by OAB. Petitioners maintain that the Department should reduce U.S. price commensurate with the degree of absorption or reimbursement of antidumping duties, in accordance with section 353.26(1)(a) of the Commerce regulations.

Department's Position: The Department has determined not to make this adjustment to U.S. price. Section 353.26 of the Commerce regulations provides that, in calculating the U.S. price, the Department will deduct any amount of antidumping duties that are reimbursed to the importer by the producer or reseller. No evidence exists on the record that OBV or OAB will pay any antidumping duties directly, pay antidumping duties for OCUSA, or reimburse OCUSA for such duties. Absent evidence of reimbursement, the Department has no authority to make such an adjustment to U.S. price (Brass Sheet and Strip from the Republic of Korea, 54 FR 33257 (August 14, 1989)). As a protection against such reimbursement, section 353.26 also requires that importers provide to the Customs Service a certificate of nonreimbursement prior to liquidation of entries. If that certificate is not provided, the Customs Service will liquidate the entry at twice the antidumping duty rate.

Comment 7: Respondent asserts that the Department's reclassification of warehoused purchase price sales as ESP transactions because there is no identifier on the further-processed transactions was arbitrary and capricious and contrary to law. Respondent maintains that sales involving post-sale warehousing, but not further processing, are purchase price sales and that the Department has "repeatedly" treated such sales as purchase price transactions. Respondent further maintains that sales involving both warehousing and further processing are also purchase price transactions and should not be reclassified as ESP sales. Respondent submits that, if the Department continues to reclassify those sales that were only warehoused as ESP sales, the Department should not make any adjustments to reflect nonexistent further processing costs or attributable profit.

Department's Position: We have determined that this reclassification is appropriate because we requested information on further-processed sales in the original questionnaire for each review and in the supplemental questionnaire for the 88/89 review. However, respondent did not comply with these requests in a timely manner. We are unable, as a result, to determine which products were further processed. Therefore, in accordance with section 776(c) of the Act and as best information available, we have classified all warehoused sales as ESP sales and have adjusted U.S. price for further processing costs and profit on these sales for the final results.

Comment 8: Respondent asserts that the Department's use of the width groupings from the original investigation to determine similar merchandise is inappropriate because these width groupings are unrelated to OBV's cost experience during the review period.

Department's Position: The Department has determined that respondent did not provide sufficient justification, such as cost information on its proposed width groupings, on the record to support a change in the width groupings from those used in the original investigation. Therefore, the Department used the width groupings from the preliminary analysis for the final results.

Comment 9: Respondent submits that the Department should not adjust further-processed ESP sales for a profit factor, as well as for the cost of further processing, unless corresponding adjustments are made for similarly-processed home market sales.

Department's Position: In accordance with section 772(e)(3) of the Act, the Department adjusted U.S. price for the increase in value (including profit) resulting from the further processing done after importation (see, e.g., Final Results of Administrative Review: Color Picture Tubes From Japan, 55 FR 37915 (1990)).

Neither the statute nor our regulations provide for a corresponding adjustment to foreign market value in this situation. However, because section 772(e)(3) of the Act requires that we calculate U.S. price and compare ESP sales in the form in which the merchandise enters the United States, we have modified our model match methodology so that we matched the U.S. product as imported (i.e., in coiled and/or untinned form) with identical or similar home market products. We treated those traverse wound and/or tinned sales which we reclassified as ESP sales in the same manner. Where we could not make identical matches, we made a diffmer adjustment when making comparisons between coiled and traverse-wound merchandise.

Although we are making adjustments to U.S. price for further processing costs (which encompasses any slitting, traverse-winding, and/or tinning performed in the U.S. market), we did not have information available on the record to determine which sales were slit after importation into the United States. Therefore, we could not alter our model match methodology to reflect this further-processing element.

Comment 10: Respondent states that the profit figures it reported for ESP sales are incorrect in that they represent OCUSA's total profit on each sale, rather than just that portion attributable to further processing. Respondent submits that the Department should use corrected profit factors for the final analysis, especially since these factors are used by the Department to calculate profit on further processing for the purchase price sales reclassified as ESP sales. Respondent further submits that the Department should use a weighted-average profit figure, rather than a simple-average profit figure, in its calculation of profit on further processing for the reclassified purchase price sales.

Department's Position: Because OBV had ample time to correct its profit figures before the preliminary results were issued, the Department has determined that OBV's submission of corrected profit figures after issuance of the preliminary results consists of new and untimely information. Therefore, the Department derived profit on further processing for the original ESP sales submitted in each review period by allocating OBV's total profit figures, using OBV's reported transfer prices. We then calculated the weighted-average profit from the resulting profit amounts which we used as profit on further processing for the purchase price sales reclassified as ESP sales.

Comment 11: Respondent maintains that, for purposes of determining whether home market sales were made at prices below the cost of production ("the cost test"), the Department should not recalculate OBV's interest expense

using the total interest expense from the consolidated financial statement of the Outokumpu Group and apply that interest based on cost of goods sold. Respondent submits that use of the Outokumpu Group's interest expense factor bears no relation to OBV's actual cost of production and is, therefore, unfair and distortive. Respondent asserts that the Department should use the interest expense factor reported by OBV, which respondent claims is based on its actual expenses, for the final results.

Department's Position: The cost of production questionnaire requests that "interest expense should include *all* interest expense incurred on the long- and short-term debt of the company from unrelated sources as reported in the consolidated financial statements." The Department typically derives interest expense from the consolidated financial statements of a corporate entity because of the fungible nature of its capital structure (see, *e.g.*, Final Results of Administrative Review: Brass Sheet and Strip From Canada, 55 FR 31414, 31418 (1990)). Therefore, as we did in our preliminary analysis, we have recalculated OBV's interest expense using the total interest expense from the consolidated financial statement of the Outokumpu Group for the final results.

Comment 12: Petitioners contend that the Department erred in its preliminary analysis with the following: (a) In not adding U.S. commissions to foreign market value ("FMV") for purchase price sales; (b) in not deducting an amount for warranty expense in the calculation of OBV's adjusted home market price for purposes of the cost test; and (c) in adding packing expense to the reported gross home market price to calculate the adjusted home market price for purposes of the cost test.

Department's Position: The Department has made the corrections noted in (a), (b), and (c) for the final results. Regarding (b), because the COPs calculated by the Department for purposes of the cost test did not include any direct selling expenses, it was necessary for the Department to deduct direct selling expenses (i.e., warranty expense) in calculating the adjusted home market sales price. Regarding (c), because packing expense was already included in OBV's reported gross unit price, it was not necessary for the Department to add packing expense in calculating the adjusted home market price for purposes of the cost test.

Comment 13: Respondent contends that the Department erred in its preliminary analysis with the following: (a) In not deducting home market packing costs from home market price in the sales comparison analysis; (b) in not deducting OBV's warehouse and inventory carrying costs from the home market price in the ESP sales comparison analysis; and (c) in not adjusting home market and U.S. price to account for OBV's inventory carrying costs in the purchase price sales comparison analysis.

Department's Position: The Department made the correction noted in (a) for the final results. In addressing (b), we added OBV's home market warehouse and inventory carrying costs to home market indirect selling expenses when comparing home market transactions to ESP sales. We did not, however, adjust home market and U.S. price to account for OBV's inventory carrying costs in our purchase price sales comparison analysis for the final results, as suggested in (c). The Department considers inventory carrying cost an indirect selling expense and does not adjust for this expense in a purchase price situation (see, *e.g.*, Final Determination of Sales at Less Than Fair Value: Certain Internal-Combustion, Industrial Forklift Trucks From Japan, 53 FR 12552 (1988)).

Comment Pertaining to the 88/89 Review Only

Comment 14: Respondent maintains that the Department should not discard home market sales found to be below the COP because, overall, these sales comprise less than ten percent of the home market database. Respondent states that, because less than ten percent of the total home market sales were found to be below cost, the Department's long-standing practice is to include *all* sales in the calculation of foreign market value.

Department's Position: In determining whether to disregard home market sales made at prices below the COP, the Department examines whether such sales have been made in substantial quantities over an extended period of time. When less than ten percent of the home market sales of a particular model are at prices below the COP, we do not disregard any sales of that model and make normal price-to-price comparisons. When more than ten percent, but less than 90 percent, of the home market sales of a particular model are determined to be below cost over an extended period of time, we disregard the below-cost sales for purposes of calculating FMV. When more than 90 percent of the home market sales of a particular model are made below cost over an extended period of time, we disregard all home market sales of that model for purposes of calculating FMV (see Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings Four Inches or Less in Outside Diameter, and Certain Components Thereof, 56 FR 26054, 26060 (June 6, 1991)). Therefore, the sales discarded on a model-specific basis as a percentage of total home market sales is not relevant in the context of this methodology. Thus, for the final results, the Department continued to perform the cost test as it was performed for the preliminary analysis.

Comment Pertaining to the 88/89 Review Only

Comment 15: Respondent submits that, in the calculation of profit on further processing for the purchase price sales reclassified as ESP sales, the Department should not set percentage losses to zero.

Department's Position: We agree and have made the change for our final results.

Final Results of Review

As a result of our analysis of the comments received, we have changed our preliminary results and determine that the following margins exist for OBV:

Period of review	Margin (percent)
2/8/88 to 7/31/89	9.25
8/1/89 to 7/31/90	10.54

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all entries of the subject merchandise covered by these reviews. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will remain in effect until publication of the final results of the next administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for OBV will be 10.54 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered by these reviews, a prior review, or the original less-than-fair-value investigation, but the manufacturer is,

the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and, (4) the cash deposit rate for all other manufacturers or exporters will be 10.54 percent. This rate represents the highest rate for any firm with shipments in the most recent administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: March 16, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-6446 Filed 3-18-92; 8:45 am]

BILLING CODE 3519-DS-M

[C-421-601]

Standard Chrysanthemums From the Netherlands; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on standard chrysanthemums from the Netherlands. We preliminarily determine the net subsidy to be 0.63 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. The rate from the last administrative review was 0.57 percent *ad valorem* for the period covering January 1, 1987 through December 31, 1987. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administration Review" (56 FR 9936) of the countervailing duty order on standard chrysanthemums from the Netherlands (52 FR 7646; March 12, 1987). On March 27, 1991, the respondent, the Association of Dutch Flower Auctions, requested that we conduct an administrative review of the order. We published the initiation on April 18, 1991 (56 FR 15856). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of Dutch Standard chrysanthemums. During the review period, such merchandise was classifiable under item number 0603.10.70 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990, and nine programs.

Analysis of Programs

(1) Natural Gas Provided at Preferential Rates

Natural gas in the Netherlands is sold directly to major customers by the N.V. Nederlandse Gasunie (Gasunie). The Agricultural Industrial Board, or "Landbouwschap," is a quasi-governmental body that negotiates with Gasunie to determine prices and general terms of gas delivery for Dutch greenhouse growers. Gasunie is 40 percent owned by DSM Aardgas (a company wholly-owned by the Government of the Netherlands), 10 percent by the Government of the Netherlands, 25 percent by Shell Nederland, and 25 percent by Esso Nederland N.V. While the Government of the Netherlands does not own a controlling interest in Gasunie, it plays a significant role in setting the price of natural gas. The Minister of Economic Affairs reserves the right to approve selling prices and terms of delivery for supplies to public distributors in the Netherlands, large export contracts, and contracts between Gasunie and the Landbouwschap.

The Landbouwschap is a statutory trade organization created under the Industrial Organizations Act. Its chairman is approved by the Government of the Netherlands, and its purpose is to represent the economic and political interests of the agricultural sector in the Netherlands.

Natural gas prices are based on levels of consumption, which are broken down into four categories or "zones", zones "a" through "d". Zone "a" consumers use between 0 and 170,000 cubic meters (m3) of gas per year; zone "d" consumers use between 10 to 50 million m3 of gas per year. Zone "a" users pay the highest price per m3; zone "d" the lowest.

In the October 1984 contract negotiated with Gasunie by the Landbouwschap on behalf of greenhouse growers, a maximum ceiling price was established. In the Final Affirmative Countervailing Duty Determination; Certain Fresh Cut Flowers From the Netherlands (52 FR 3301, February 3, 1987) (Netherlands Flowers), we determined that the contract with the price ceiling provision constitutes preferential treatment because: (a) Comparable users of natural gas enjoy no such price ceiling; (b) the contract involves the provision of natural gas to a specific industry (i.e., greenhouse growers); and (c) the contract constituted governmental provision of natural gas at a preferential rate. Accordingly, in Netherlands Flowers, we calculated the benefit to greenhouse growers based on the difference between the price of gas actually paid by greenhouse growers in the period of the investigation and the zone "d" price they would have had to pay under the contract absent the price ceiling provision.

In the last administrative review (54 FR 43977; October 30, 1989), we determined that because the contract, which was renegotiated subsequent to Netherland Flowers, did not contain a provision for a ceiling price, the contract did not confer a countervailable benefit. This contract expired on October 1, 1989.

During this review period, greenhouse growers, through the Landbouwschap, negotiated a new contract with Gasunie for the period October 12, 1989 through October 1, 1994. Under this contract, greenhouse growers pay the zone "d" rate plus 0.5 guilder cents/m3. The terms

of the new contract are basically the same as the prior contract. The contract does not contain a ceiling price provision. Therefore, we preliminarily determine that such a contract does not confer a countervailable benefit.

(2) Aids for the Creation of Cooperative Organizations

Under European Community (EC) Regulation 355/77, the EC has provided grants to Dutch auction houses, which are flower grower cooperatives. These funds were provided by the EC through the Agricultural Guidance and Guarantee Fund with matching grant contributions from EC member states. The purpose of the program was to improve the processing, marketing, and distribution of agricultural products in member states. This program was terminated on January 1, 1986, and no grants were disbursed after 1987.

We previously determined that this grant program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries in the Netherlands. See Standard Chrysanthemums From the Netherlands; Preliminary Results of Countervailing Duty Administrative Review (54 FR 43977; October 30, 1989).

To calculate the benefit from this program, we used a declining balance grant methodology. We allocated the benefits from each grant over 10 years, the average useful life of renewable physical assets in the agricultural sector as determined under the U.S. Internal Revenue Service's Asset Depreciation Range System. We used the average interest rate for long-term commercial loans published by the Netherlands Bank (the Central Bank) as the discount rate for each year in which grants were provided. We divided the sum of these benefits by the f.o.b. value of total auction sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.04 percent *ad valorem.*

(3) Glasshouse Enterprises Program

Under the Glasshouse Enterprises Program, the Ministry of Agriculture and Fisheries provided grants to greenhouse growers in order to stimulate private investment in energy saving methods in the horticulture industry. This program was terminated in June 1985. However, grants approved prior to the termination were disbursed in 1986 and 1987.

We previously determined that this program is a countervailable domestic subsidy because it was available only to greenhouses. See Preliminary Results, *supra* (54 FR 43978; October 30, 1989).

To calculate the benefit from this program, we used the grant methodology described in section 2 above. We divided the total benefits from these grants by the f.o.b. value of total greenhouse sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.58 percent *ad valorem.*

(4) Aids for the Reduction of Glass Surface

Under the Aids for the Reduction of Glass Surface program, the Ministry of Agriculture and Fisheries provided grants to greenhouse growers for the purpose of increasing the energy efficiency of greenhouses by dismantling existing glass and replacing it with modern energy-saving glass. The program was terminated in November 1984. However, grants approved prior to the termination of the program were disbursed until 1987.

We previously determined that this program was countervailable because it was limited to a specific enterprise or industry or group of enterprises or industries. See Preliminary Results, *supra* (54 FR 43979; October 30, 1989).

To calculate the benefit from this program, we used the grant methodology described in section 2 above. We divided the total benefits from these grants by the f.o.b. value of total greenhouse sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.003 percent *ad valorem.*

(5) Steam Drainage Systems

In January 1981, the Government of the Netherlands banned the use of methylbromide as a means of soil disinfection due to the potential health hazards caused by the chemical. In December 1981, the Ministry of Agriculture and Fisheries established a program making available cash grants to encourage the use of steam drainage as an alternative method of soil disinfection for greenhouses. The program was terminated in September 1984. However, some grants were disbursed until 1987.

We previously determined that this program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries. See Preliminary Results, *supra* (54 FR 43979; October 30, 1989).

To calculate the benefit from this program, we used the grant methodology described in section 2 above. We divided the total of the benefits from these grants by the f.o.b. value of total greenhouse sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.004 percent *ad valorem.*

(6) Guarantee Fund for Agriculture

The Stichting Borgstellingsfonds voor de Landbouw (Foundation Security Fund for Agriculture, or "Fund") is used to guarantee the servicing and repayment of loans made by banks to farmers. The Fund acts as an institutional guarantor, not as a lender itself, providing guarantees only when the security offered by the farmer is inadequate for the total loan amount. A loan application may be made to the Fund only after all of the farmer's own securities or collateral have been provided for the loan. If an application is approved under the Fund, the guarantee applies only to the portion of the loan not originally approved by the bank.

In Netherlands Flowers, we found that horticulture received a disproportionate share of loan guarantees under this program. The determination was based on a comparison of the relative shares of horticulture in total loan guarantees in each year from 1982 to 1984, and total agricultural production for 1985. The consistent pattern over the years of horticulture receiving almost 50 percent of the funding even though it accounts for less than 25 percent of the value of agricultural production leads us to conclude that the Fund is administered in such a way as to confer a benefit on a specific group of industries, *i.e.,* horticulture.

In the last administrative review (54 FR 43977; October 30, 1989), we found that this program was not countervailable for the period of review because there was no difference between the commercial interest rate in the Netherlands and the rate charged by the Fund for its guarantees.

During this review period, the average long-term annual interest rates charged on loans under this Fund were consistent with the average interest rates charged on long-term bank loans, as reported by the De Nederlandsche Bank. In addition, loan guarantees granted to greenhouse flower growers did not represent a disproportionate share of the total guarantees. On this basis, we preliminarily determine that this program did not provide a countervailable benefit.

(7) Income Tax Deduction

In January 1990, an income tax deduction program was established in Article 11 of the Regulation. Under this program, growers, auctions, and exporters qualify for an investment allowance on investment in tangible assets. The allowance ranges from 2 percent to 18 percent depending upon the amount of the annual investment. The allowance amount is deducted from the profits made during the year in which the investment was made.

Because this program was implemented in 1990, any benefits bestowed will be measured in the subsequent year, when the deduction from the profits are taken. In accordance with existing practice, the Department measures the benefit at the time a firm can calculate the amount of the benefits, which normally will be the time at which the firm files its tax return. Therefore, we preliminarily determine that any benefit arising under this program is not countervailable during this review period.

(8) Other Programs

We preliminarily determine that exporters or producers of standard chrysanthemums did not use the following programs during the review period:

a. Investment Incentive (WIR)—Regional Program; and

(b) Loans at preferential interest rates.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 0.63 percent *ad valorem* for the period January 1, 1990 through December 31, 1990.

The Department intends to instruct the Customs Service to assess on shipments of the subject merchandise exported on or after January 1, 1990 and on or before December 31, 1990.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Act, of 0.63 percent of the f.o.b. invoice price on all shipments of subject merchandise from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later then 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested-parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the due date for case briefs under section 355.38(e).

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 11, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6445 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protests the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 92-00005." A summary of the application follows.

Summary of the Application

Applicant: World International Investments Corp. ("WIIC"), 4400 Mac Arthur Boulevard, 9th Floor, Newport Beach, California 92660, Contact: John A. MacInnis, Agent, Telephone: (714) 895-2229.

Application No.: 92-00005.

Date Deemed Submitted: March 9, 1992.

Members (in addition to applicant): None.

Export Trade:

1. *Products:* All Products.

2. *Services:* All Services.

3. *Technology Rights:* Technology rights, including, but not limited to, patents and trademarks, that relate to Products and Services.

4. *Export Trade Facilitation Services (as they relate to the Export of Products, Services, and Technology Rights):* Export Trade Facilitation Services, including consulting, research on overseas markets, market analysis and strategy, collection of information on trade opportunities, arranging for exporter risk coverage with the Export-Import Bank, legal assistance, services related to compliance with customs requirements, transportation, facilitating the formation of shippers' associations, financing, and taking title to goods.

Export Markets: The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation: WIIC seeks to:

1. Export specific products and/or services in response to specific orders and will contact individual suppliers as to competitive prices, quality and availability;

2. Provide and/or arrange for provision of export trade facilitation services;

3. Exchange information only in one-on-one discussions with specific suppliers on specific orders or market conditions.

4. Enter into exclusive licensing and distributorship agreements with suppliers for the export of Products, Services, and Technology Rights to the Export Markets;

5. Allocate export sales or divide the Export Markets among suppliers for the sale and/or licensing of Products, Services, and Technology Rights;

6. Establish the price of Products, Services, and Technology Rights for sale and/or licensing in the Export Markets;

7. Negotiate and manage licensing agreements for the export of Technology Rights; and

8. Collect information on trade opportunities in the Export Markets and distribute such information to clients.

Dated: March 13, 1992.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-6355 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmosphere Administration

Pacific Fishery Management Council Public Hearing

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of reports; notice of public meetings and hearings.

SUMMARY: The Pacific Fishery Council (Council) has begun its annual preseason management process for the 1992 ocean salmon fisheries. As required by the final framework amendment to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon and California, this notice announces the availability of Council documents and dates and locations of Council meetings and public hearings. These actions comprise the complete schedule of events followed by the Council for determining the annual proposed and final modifications to ocean salmon management measures.

ADDRESSES: Send written comments to Lawrence Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: John Coon, (503) 326-6352.

Council meetings are open to the public and public comment on pertinent issues is solicited at specified times during the meetings. Written comments may be addressed to the Council office. Further details of each meeting will be available in Council news releases and the **Federal Register** or by contacting the Council office directly; 2000 SW. First Avenue, suite 420, Portland, Oregon 97201; (503) 326-6352.

The Council's schedule for development of ocean salmon fishery management recommendations for the 1992 season follows:

February 27—Salmon Advisory Subpanel, Salmon Technical Team (STT), and selected Scientific and Statistical Committee members meet with policy and technical staff from the state and federal fishery agencies and treaty Indian tribes to review preliminary stock abundance estimates prepared by the STT. The meeting will be held at the Red Lion Inn—Jantzen Beach, Portland, Oregon.

March 2—Council reports which summarize the 1991 salmon season and project the expected salmon stock abundance for 1992 are available to the public from the Council office.

March 9-13—Council and advisory entities meet at the Red Lion Inn—Seatac Airport to adopt 1992 regulatory options for public review. The options should meet the management objectives of the framework plan. Any need for emergency changes to the plan should be identifed for public review.

March 13-23—STT completes "Preseason Report II analysis of Proposed Regulatory Options for 1992 Ocean Salmon Fisheries".

March 19—Newsletter with proposed management options and public hearing schedule is distributed (includes options, rationale, and condensed summary of biological and economic impacts).

March 26—The STT "Preseason Report II Analysis of Proposed Regulatory Options for 1992 Ocean Salmon Fisheries" will be distributed with Council briefing book.

March 30—Public hearings are held to review the proposed April 6 regulatory options adopted by the Council. All public hearings begin at 7 p.m. on the following dates and at the following locations:

March 30, 1992 Astoria Middle School, 1100 Klaskanine Avenue, Astoria, Oregon.

March 31, 1992 Red Lion Inn, 1313 Fourth Bayshore Drive, Coos Bay, Oregon.

March 31, 1992 General Administration Building, Auditorium, Olympia, Washington.

April 1, 1992 Red Lion Inn, 1929 Fourth Street, Eureka, California.

April 6, 1992 Clarion Hotel, 401 East Millbrae, California.

April 6-10—Council and its advisory entities meet at the Clarion Hotel—San Francisco Airport, San Francisco, California to adopt final 1992 regulatory measures. New options or analyses presented at the April meeting must be reviewed by the STT and public prior to any Council action.

April 16—Newsletter describing adopted ocean salmon fishing management measures is mailed to the public.

April 10-22—STT completes "Preseason Report III Analysis of Council Adopted Regulatory Measures for 1992 Ocean Salmon Fisheries."

May 1—Federal regulations implemented and preseason report III available for distribution.

Dated: March 13, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6343 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, part 242, Contract Administration, and the clauses at 252.242; DD Form 1659.

Type of Request: Reinstatement.

Average Burden Hours/Minutes per Response: 1.5 hours.

Responses per Respondent: 6.7.

Number of Respondents: 47,454.

Annual Responses: 317,454.

Annual Burden Hours (Including Recordkeeping): 479,902.

Needs and Uses: Defense FAR Supplement (DFARS) part 242, concerns information collection requirements required to perform contract administration functions, including special requirements of the Defense Logistics Agency.

Affected Public: Businesses or other for-profit, Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-6362 Filed 3-18-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

AGENCY: Defense Intelligence Agency Advisory Board.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Public Law 92-463, as amended by section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Advisory Board has been scheduled as follows:

DATES: Thursday & Friday, 14-15 May 1992 (8 a.m. to 5 p.m.).

ADDRESSES: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John G. Sutay, USAF, Chief, DIA Advisory Board, Washington, DC 20340-1328 (202/373-4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical intelligence matters.

Dated: March 16, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-6361 Filed 3-18-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 30 March 1992.

Time: 0900-1500 hours.

Place: PEO AVSCOM, St. Louis, MO.

Agenda: Members of the Army Science Board's Systems Issue Group for the Evaluation of the Longbow for Apache and Comanche will meet to introduce the members to the respective program/project managers and their staffs. The group will provide classified responses to the proposed terms of reference for the study, and discuss their intended approach and focus. The project managers and their staffs will then present a detailed program briefing with attendant focus on the technical aspects and issues pertinent to the study. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-6401 Filed 3-18-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Draft Implementation Plan for the Environmental Restoration and Waste Management Programmatic Environmental Impact Statement

AGENCY: U.S. Department of Energy (DOE).

ACTION: Amendment of notice of availability for public comment and announcement of public workshops; extension of public comment period.

SUMMARY: DOE announced on February 4, 1992 (57 FR 4193), the availability, for public review and comment, of the Draft Implementation Plan (IP) for the Environmental Restoration and Waste Management (EM) Programmatic Environmental Impact Statement (PEIS) and plans to conduct a series of five regional workshops to discuss the Draft IP. DOE is now announcing plans to hold a sixth public workshop on the Draft IP in the Cincinnati, Ohio, area, and extending the end of the public comment period from April 10, 1992, to April 24, 1992. For the convenience of the public, DOE is also republishing the information from the February 4 Notice concerning the purpose and format of the workshops. The only amendments to that notice are the date and location of the sixth workshop and the extension of the comment period. The purpose of the Draft IP is to record the results of the public scoping process and to serve as a plan for the preparation of the PEIS. The Draft IP also states the alternatives and issues to be evaluated in the PEIS.

Background

On October 22, 1990, DOE issued a Notice of Intent (NOI) to prepare the EM PEIS, which identified the proposed scope of the PEIS and initiated the public scoping process. The proposed action is to formulate and implement an integrated EM program in a safe and environmentally sound manner and in compliance with applicable requirements. This proposed action will be achieved by defining a broad, systematic approach to DOE remedial activities and waste management practices. The PEIS will analyze the existing EM program (the no-action alternative) and evaluate alternatives for an integrated program.

In the NOI, DOE requested comments concerning the scope of the PEIS. The public comment period was from October 22, 1990 (the publication date of the NOI) to February 19, 1991. Beginning on December 3, 1990, DOE held 23 scoping meetings at various locations across the country to ensure adequate opportunity for participation by the public and other government agencies. During the public comment period, over 1,200 people provided approximately 7,000 comments, either by participating in the meetings or by submitting materials and letters to DOE. The majority of comments came from individuals. However, about 280 organizations also participated. A statistical analysis of scoping comments shows that most concerns were related to the public perception of the DOE culture and to environmental, health, and safety issues.

In the NOI, DOE stated that the IP would be issued for public comment. DOE has prepared the IP to record the results of the public comments on the scope of the PEIS and to serve as a plan for the preparation of the PEIS. The IP also states the alternatives and issues to be evaluated in the PEIS.

The IP contains seven chapters, seven appendices, and an executive summary. The bulk of the information is presented in chapters one through four and in Appendix C, which are briefly described below. Background, bibliographic, organizational, and administrative information are included in the other sections of the IP.

Chapter one, Introduction, provides historical and background information,

discusses the regulatory framework under which DOE operates and explains the relationship of the EM PEIS to other DOE activities. Chapter two, Purpose of and Need for the Proposed Action, relates the proposed action to the fundamental mission of DOE's EM program.

The third chapter, The Scoping Process and Results, describes the DOE scoping process and the results of the scoping meetings. This chapter describes how public comments will be addressed in the preparation of the PEIS.

Chapter four, Proposed Action and Alternatives, gives details on the proposed scope of the PEIS. The overall EM proposed action addresses both environmental restoration and waste management. The PEIS will analyze the current environmental restoration program (no action alternative) and three alternatives. The PEIS also will assess the current waste management program (no action alternative) and alternatives for each of six waste classifications and for DOE spent nuclear fuel. The alternatives will be analyzed in an integrated way since environmental restoration activities generate waste. The last section of chapter four, Alternatives Analysis, describes the approaches to be used in studying risks and impacts related to environmental restoration and waste management alternatives and the impacts of technology development.

Appendix C provides a proposed annotated outline for the PEIS.

Invitation to Comment

All interested parties are invited to comment on the IP. In an effort to encourage public involvement, copies of the IP, with an invitation to comment and notice of the workshops, were sent to all those who participated in the scoping process or who asked to be on the mailing list. Written comments should be directed to Mr. Glen L. Sjoblom at the address and by the date indicated below. Also, agencies, organizations, and the general public are invited to take part in any one of six planned regional public workshops. The dates, locations, and contact information for the six workshops, including the one added by this notice, are listed below and are being announced in local public notices in advance of the planned workshops. Following completion of the comment period and consideration of the written comments, DOE will revise the Draft IP as appropriate and issue an IP for the PEIS.

Addresses and Further Information

Written comments on the IP and questions concerning the program should be directed to: Glen L. Sjoblom, Special Assistant to the Assistant Secretary, Environmental Restoration and Waste Management (EM-1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

To request copies of the IP, call (800) 862-8860.

For further information on the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Oversight (EH-25), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

Dates

The comment period on the IP will continue until April 24, 1992. Written comments should be postmarked by April 24, 1992, to ensure consideration.

Public Workshops

Six regional public workshops on the IP are planned. They will be held at the following times and places:

Date: Tuesday, March 17, 1992.
Location: Atlanta Penta Hotel, 590 West Peachtree Street, NW., Atlanta, GA 30308-3586, (404) 881-6000, (800) 633-0000.

Date: Thursday, March 19, 1992.
Location: St. Tropez Hotel, 455 East Harmon Avenue, Las Vegas, NV 89109, (702) 369-5400, (800) 666-5400.

Date: Wednesday, March 25, 1992.
Location: Regency Hotel, 3900 Elati Street, Denver, CO 80216, (303) 458-0808, (800) 525-8748.

Date: Friday, March 27, 1992.
Location: Airport Ramada Inn, Spokane International Airport, Spokane, WA 99219, (509) 838-5211.

Date: Tuesday, March 31, 1992.
Location: Georgetown University Convention Center, 3800 Reservoir Road, NW, Washington, DC 20007, (202) 687-3200, (800) 446-9476.

Date: Thursday, April 2, 1992.
Location: The Cincinnati Terrace Hilton, 15 W. 6th Street, Cincinnati OH 45202, 513-381-4000.

These workshops will be different in format from the scoping meetings in order to facilitate interactive communication between participants and senior DOE representatives of the EM program and to solicit individual viewpoints. The workshops will be informal in nature and no formal transcript will be recorded. Anyone wishing to ensure that DOE will consider his or her comments in the preparation of the IP should submit them in writing.

Each workshop on the IP will consist of day and evening plenary sessions and four small-group breakout sessions during the day. These workshops will focus on DOE EM program-wide issues relating to the PEIS, not site-specific issues. The plenary sessions will consist of presentations of the PIES process and the IP. Registration is required for the small-group breakout sessions of the workshops, but not for the plenary sessions. Anyone who wishes to participate in the breakout sessions at one of the six workshops should call (800) 862-8860 to register at least two weeks before the date of the desired workshop.

The breakout sessions will focus on four topics related to the PEIS: The PEIS process, Waste Management, Environmental Restoration, and Technology Development. The breakout sessions will be repeated to allow the participants to cover all four topics. Registration will be on a first-come, first-served basis. The number of breakout attendees will be limited to approximately 60 persons (15 for each of the breakout sessions) to promote an interactive atmosphere.

The tentative agenda for the workshops is as follows:

Day Session

8:00-8:15—Welcome.
8:15-8:30—Presentation on the PEIS Process.
8:30-9:15—Presentation on the IP.
9:15-9:45—General Questions.
9:45-10—Break.
10-11—Breakout Sessions (Four Parallel sessions: PEIS Process, Waste Management, Environmental Restoration, and Technology Development).
11-12—Repeat Breakout Sessions.
12-1—Lunch.
1-2—Repeat Breakout Sessions.
2-3—Repeat Breakout Sessions.
3-3:30—Break (facilitators organize for final plenary session).
3:30-5—Breakout Summary Report (from facilitators) & comments.

Evening Sessions

6:30-6:45—Welcome.
6:45-7—Repeat of Presentation on the PEIS Process.
7-7:45—Repeat of Presentation on the IP.
7:45-8:15—Repeat of Breakout Summary Report (from facilitators) and comments.

8:15–8:30—Break.
8:30–9:30—General Questions and Comments.
9:30–10—Summary Remarks.

Issued in Washington, DC., this 13th day of March, 1992

Paul L. Ziemer,

Assistant Secretary Environment, Safety and Health

[FR Doc. 92–6442 Filed 3–18–92; 8:45 am]

BILLING CODE 6450–01–M

Morgantown Energy Technology Center, Financial Assistance Award, Cooperative Agreement

AGENCY: Department of Energy (DOE), Morgantown Energy Technology Center.

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i)(A), the DOE, Morgantown Energy Technology Center, gives notice of its plans to award a 12-month cooperative agreement to Southern California Gas Company in the approximate amount of $305,000, approximately $100,000 of which will be funded by the Government.

FOR FURTHER INFORMATION CONTACT: Mark L. Estel, I–07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507–0880, Telephone: (304) 291–4085, Procurement Request No. 21–92MC29227.000.

SUPPLEMENTARY INFORMATION: The pending award is based on an unsolicited proposal whose purpose it is to study the true cost of ownership of small distributed fuel cell-based electric power generating facilities. A product of this analysis will be a series of microcomputer-based models which will enable the user to examine capital costs, installation and operation in the context of the total cost of ownership. Furthermore, this study will identify the necessary regulations for a new, smaller class of "total energy" utility companies which can facilitate the business decisions required for a company to choose to become an energy provider to itself or others.

Issued: March 12, 1992.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 92–6443 Filed 3–18–92; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION CONTACT: Jay Casselberry, Office of Statistical Standards (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC–516.
3. 1902–0096.
4. Electric Rate Schedule Filings.
5. Extension.
6. On occasion.
7. Mandatory.
8. Businesses or other for-profit.
9. 234 respondents.
10. 2.7 responses.
11. 976 hours per response.
12. 614,775 hours.
13. The Federal Power Act requires each public utility, certain hydroelectric project licensees and qualifying small power producers to file for approval rate schedules, together with related contracts and service conditions. Supporting data are required to determine the reasonableness of the rates.

Statutory Authority: Sec. 5(a), 5(b), 13(b) and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 12, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–6444 Filed 3–18–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project Nos. 1417 and 1835]

Central Nebraska Public Power and Irrigation District and Nebraska Public Power District; Extending Time To Comment on the Kingsley Dam and North Platte/Keystone Diversion Dam Draft Environmental Impact Statement

March 13, 1992.

The Federal Energy Regulatory Commission (FERC) has received letters from the State of Nebraska, United States Department of the Interior, United States Environmental Protection Agency, and the National Audubon Society, requesting an extension of time to comment on the draft environmental impact statement (DEIS) for relicensing the Kingsley Dam, Project No. 1417 and

the North Platte/Keystone Diversion Dam, Project No. 1835 (Platte River Projects). The two hydropower projects are located on the North Platte, South Platte, and Platte Rivers in Nebraska.

The request is hereby granted to all who wish to comment on the DEIS. Comments that were due on March 31, 1992, are now due by April 30, 1992.

As noted in the DEIS, the Districts have submitted new information with the Commission that was not considered in the DEIS. The staff is preparing a report that will assess the Districts' new proposals and determine whether changes in the DEIS or the staff recommended alternative are needed.

All participants in the DEIS process are expected to independently assess the Districts' proposals and should be prepared to respond promptly to the staff report. Depending on the nature and extent of the conclusions reached in the staff report, however, a further extension of the comment period past the 30 days set in this notice may be warranted.

For further information please contact S. Ronald McKitrick at (202) 357-0783.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6331 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2336-008 Georgia]

Georgia Power Co.; Availability of Environmental Assessment

March 13, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application to amend the license for the Lloyd Shoals Hydroelectric Project to install a weir downstream of the powerhouse in the project tailrace. The weir will aid in enhancing dissolved oxygen levels in the tailrace during summer months. The project is located on the Ocmulgee River in Butts and Jasper Counties, Georgia. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that approval of the amendment would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6332 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-460-000, et al.]

Pacific Gas Transmission Co.; Environmental Site Visits

March 13, 1992

This is to inform all parties to the proceeding in the above docket that the enviromental staff of the Federal Energy Regulatory Commission (FERC) will conduct a number of site visits, over the next two years, along various portions of the Pacific Gas Transmission Company (PGT) Pipeline Expansion Project. These site visits will enable FERC environmental staff to evaluate PGT's proposed site-specific construction techniques, as well as to monitor PGT's compliance with the environmental conditions attached to its FERC Certificate. The first of these visits will occur on March 31 and April 1, 1992 along various portions of Spread 1A, and will evaluate PGT's site-specific Moyie River crossing procedures. Although future site visits will not be noticed, parties can obtain a schedule of proposed site visits to be conducted during a specific month by contacting the FERC Environmental Project Manager at the beginning of that month. All parties may attend the proposed site vistis; however, parties must provide their own transportation and should pre-register with the FERC Environmental Project Manager. For further information contact Mr. Mark C. Kalpin, Environmental Project Manager, at (202) 208-0918.

Louis D. Cashell,

Secretary.

[FR Doc. 92-6333 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 199-061 South Carolina]

South Carolina Public Service Authority; Availability of Environmental Assessment

March 13, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for nonproject use of projects lands and waters to construct a waterfowl impoundment on Lake Moultrie of the Santee-Cooper Project, FERC No. 199. South Carolina Public Service Authority, licensee for Santee-Cooper Project, on behalf of the South Carolina Wildlife and Marine Resources Department (WMRD) requests the Commission's approval for WMRD to use project lands to construct a 100-acre waterfowl impoundment. The proposed impoundment is located on the Sandy Beach Waterfowl Management Area with the Moultrie Wildlife Management Area, Berkeley County, South Carolina. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, staff concludes that approval of the nonproject use of project lands to construct the waterfowl impoundment would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6334 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-04370T Texas-51]

Texas; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 12, 1992

Take notice that on March 3, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Wilcox Formation in portions of Zapata and Jim Hogg Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The designated area in Zapata and Jim Hogg Counties, Texas, consists of the acreage listed in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Wilcox Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in

accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

Wilcox Formation in Zapata and Jim Hogg Counties, Texas.

1. All of the J.M. Cuellar Survey No. 278, A-423, located in Zapata County.
2. All of the T. & N.O. RR Survey No. 119, A-98, located in Zapata County.
3. All of the A. Stehle Survey No. 4, A-499, located in Zapata County.
4. All of the H. & G.N. RR Survey No. 3, A-51, located in Zapata County and A-183, located in Jim Hogg County.
5. All of the J.T. Vela Survey No. 108, A-548, located in Zapata County and A-362, located in Jim Hogg County.
6. All of the A. Stehle Survey No. 6, A-497, located in Zapata County.
7. All of the T. & N.O. RR Survey No. 5, A-100, located in Zapata County and A-318, located in Jim Hogg County.
8. All of the A. Stehle Survey No. 624, A-500, located in Zapata County.
9. All of the F.C. Guerra Survey No. 86, A-436, located in Zapata County and A-142, located in Jim Hogg County.

[FR Doc. 92-6335 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-13-000]

Arkansas Western Gas Co.; Petition for Rate Approval

March 12, 1992.

Take notice that on March 5, 1992, Arkansas Western Gas Company (AWG) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of $0.2023 per MMBtu for transportation and compression of natural gas on its system south of the Drake Compressor Station under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

AWG states that it owns and operates intrastate transmission facilities in various counties in Arkansas and is technically an intrastate pipeline within the meaning of section 2(16) of the NGPA. AWG is requesting approval of its existing maximum rate for transportation and compression which rate was established in Docket No. ST88-1-000. AWG states that the total rate of $0.2023 is comprised of a rate of $0.1176 per MMBtu for transportation and a charge of $0.0847 per MMBtu for compression at the Davis Station.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's rules of practice and procedures. All motions must be filed with the Secretary of the Commission on or before April 1, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6336 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP91-65-000 and CP89-2107-000]

Arkla Energy Resources, a Division of Arkla, Inc.; Informal Settlement Conference

March 12, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on Thursday, March 19, 1992, at 10 a.m., at the office of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined in 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Williams J. Collins (202) 208-0248 or John P. Roddy (202) 208-1176.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6337 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-131-006]

Carnegie Natural Gas Co.; Compliance Filing

March 12, 1992.

Take notice that on March 11, 1992, Carnegie Natural Gas Company (Carnegie) tendered for filing the revised tariff sheets listed on Appendix A attached to the filing. Carnegie has proposed an effective date for these tariff sheets of March 23, 1992, or such effective date as authorized by the Commission in its forthcoming order addressing the compliance filing, but in no event later than April 1, 1992.

Carnegie states that it is filing the tariff sheets listed on Appendix A to comply with the Commission's Order issued on February 26, 1992, in which the Commission approved the Joint Settlement Agreement filed in the captioned proceeding. Carnegie states that the enclosed tariff sheets implement the following basic changes to Carnegie's existing FERC Gas Tariff, as provided in the Joint Settlement Agreement: (1) Reduced base tariff rates; (2) the tracking of Account No. 858 costs under a Transportation Cost Adjustment clause; (3) new interruptible sales service under Rate Schedule SEGSS; and (4) abandonment of service under Rate Schedule LVIS.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions, as well as other parties in the captioned proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's rules of practice and procedure 18 CFR 385.211. All such protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6338 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Dockt No. TM92-9-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 12, 1992.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 6, 1992, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1:

To Be Effective April 6, 1992

Second Revised Sheet Nos. 30C01 through 30C04

Third Revised Sheet Nos. 30C05 through 30C06

By this filing, Columbia proposes to flowthrough costs from Texas Gas Transmission Corporation (Texas Gas) as set forth in its annual reconciliation filing of take-or-pay settlement payments in Docket No. RP91-61-000, *et. al.*, pursuant to the Commission's Letter Order dated February 5, 1992, in Texas Gas' Docket No. TM92-3-18-000. By the instant filing, Columbia proposes to pass through a decrease in monthly charges to its customers from $102,745 to $90,004, to be effective April 6, 1992.

Columbia states that copies of the filing were served upon Columbia's jurisdictional customers interested state commission, and upon each person designated on the official service list compiled by the Commission's Secretary in Docket Nos. RP88-187 *et al.*, and Docket No. RP91-41 *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6339 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-13-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

March 12, 1992.

Take notice that on March 10, 1992, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581 tendered for filing Twelfth Revised Sheet No. 25 in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness on March 1, 1992.

According to Granite State, it provides a storage service for Bay State Gas Company under its Rate Schedule GSS with storage capacity provided in a facility operated by CNG Transmission Corporation (CNG). It is further stated that Granite State's Rate Schedule GSS tracks changes made by CNG under its Rate Schedule GSS pursuant to which Granite State obtains storage capacity from CNG.

Granite State further states that on February 13, 1992, CNG made a filing in Docket No. RP90-143 reducing several component charges in its Rate Schedule GSS in compliance with a Stipulation and Agreement approved by the Commission. According to Granite State, its filing tracks in its Rate Schedule GSS the changes proposed by CNG in its Rate Schedule GSS.

Granite State states that copies of its filing were served on Bay State Gas Company and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Louis D. Cashell,

Secretary.

[FR Doc. 92-6340 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-17-004]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 12, 1992.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 10, 1992 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies each of the following tariff sheets:

Proposed to be Effective February 1, 1992

2nd Sub 41st Revised Sheet No. 50.2
Sub Forty-second Revised Sheet No. 50.2

Proposed to be Effective March 1, 1992

Sub Forty-third Revised Sheet No. 50.2

Texas Eastern states that Texas Eastern filed tariff sheets on December 2, 1991 in Docket Nos. TA92-1-17 and TM92-5-17, on January 31, 1992 in Docket No. TF92-2-17, and on February 27, 1992 in Docket No. TM92-2-17. The tariff sheets filed December 2, 1991 and January 31, 1992 were accepted by the Commission on January 31, 1992 and February 27, 1992, respectively. The tariff sheets filed February 27, 1992 are currently pending Commission approval. Texas Eastern has discovered an error in the Minimum Space Charge of Rate Schedule ISS-1 on Sheet No. 50.2 of the three filings listed above. To correct such error, Texas Eastern submits the above listed tariff sheets.

Texas Eastern states that copies of the filing were served on Texas Eastern's juridictional customers and interested state commissions.

Any persons desiring to protest said filing should file a protest with the Federal Energy Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6341 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-108-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 12, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation ("Transco") on March 11, 1992, tendered for filing certain tariff sheets to Third Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. Transco states that the sole purpose of the instant filing is to propose two interdependent rate design changes (and resulting tariff sheet changes) to Transco's March 2, 1992 rate case filing in Docket No. RP92-137 and in all other respects—including cost of service—this filing is identical to and builds upon the Docket No. RP92-137 rate case filing.

Transco states that in its Docket No. RP92-137 rate case filing, Transco proposed, among other things, a change to Fixed-Variable (F-V) rate design to bring Transco into compliance with Commission policy objectives expressed in the Mega-NOPR proceeding in Docket No. RM91-11-000. In the instant filing, Transco proposes as part of an integrated rate design package (i) the

adoption under Transco's blanket certificate of an Interruptible Pooling Service (IPS) Rate Schedule as an alternative to so-called "IT feeder" service together with (ii) the roll-in of the costs of Transco's onshore Mobile Bay facilities to systemwide cost of service and the development of generally applicable system rates for transportation service through such facilities.

Transco states that the proposed rate design package will promote Mega-NOPR goals by removing from Transco's transmission commodity rates an arbitrary allocation of fixed costs and by placing all shippers in Transco's production area under a uniform rate structure.

The proposed effective date of Transco's filing is April 11, 1992. Transco states that it has chosen this effective date because it is after the proposed effective date of April 10, 1992 in Transco's Docket No. RP92-137 rate case filing. The timing of the proposed effective dates is intended to indicate that the instant rate design filing proceeds from and builds upon Transco's Docket No. RP92-137 rate case. In that regard, Transco requests that the Commission accept the instant filing and suspend it for the full statutory period. Transco states that it is Transco's current intention not to move rates based on this filing into effect until after a merits determination in this docket on the interdependent rate design proposal of the IPS Rate Schedule and the Mobile Bay roll-in.

Transco request that the Commission adopt "paper hearing" procedures in order to reach a merits determination on these procompetitive rate design changes as soon as possible. As a suggestion for expedited paper hearing procedures which the Commission might adopt, Transco proposes that the Commission's suspension order in this Docket No. RP92-108 require parties to file statements of position with the Commission regarding the IPS Rate Schedule/Mobile Bay roll-in within thirty days of the Commission's suspension order. Transco proposes that, thereafter, Transco and interested parties would then be granted thirty days within which to submit reply statements. Transco submits that such a schedule would leave the Commission ample time within which to issue its merits determination on the Mobile Bay roll-in/IPS Rate Schedule prior to the winter heating season. Transco submits that the expedited Commission procedures in the Great Lakes Gas Transmission proceeding in Docket No. RP91-143 provide ample precedent for Transco's request for a paper hearing.

Transco states that copies of the filing were served upon Transco's customers and interested State Commissions. In accordance with the provisions of section 154.16 of the Commission's Regulations, copies of the filing are available for public inspection during regular business hours, in a convenient form and place in Transco's main office at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 and rule 214 of the Commission's rules of practice and procedure 18 CFR 385.211 and 385.214. All such notions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6342 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-51-4115-8]

VMT Forecasting and Tracking—Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of section 187 VMT forecasting and tracking guidance.

SUMMARY: Today's action provides notice of available guidance on how to forecast and track vehicle miles traveled (VMT) in Moderate and Serious carbon monoxide (CO) non-attainment areas with design values greater than 12.7 ppm at the time of classification. This guidance is required by section 187(a) of the Clean Air Act Amendments of 1990 (CAAA).

The guidance states that estimates of actual annual VMT in areas subject to the section 187 requirements should be obtained from the Highway Performance Monitoring System (HPMS). A state containing such an area should commit in its State Implementation Plan (SIP) to follow the Department of Transportation, Federal Highway Administration guidance in sampling for HPMS, with separate urbanized area sampling for the affected areas in 1993 and later calendar years. The HPMS VMT estimates will be used to track actual VMT.

The guidance also states that VMT forecasts should be based on a validated network-based travel demand modeling process meeting certain requirements, except that in Moderate areas without a currently validated travel demand model that meets these requirements, VMT forecasts may be based on the HPMS.

Further, the guidance discusses the criteria for determining whether actual VMT or an updated forecast is greater than a prior forecast.

Finally, the guidance discusses the linkage between forecasted VMT and the several CO emission inventories required by the Amendments.

As required by section 187 of the CAAA, the guidance was developed in consultation with the U.S. Department of Transportation.

TO OBTAIN A COPY OF THE GUIDANCE: Please send requests by FAX or by mail to Natalie Dobie. FAX: (313) 668-4368 or FTS 374-6368. Mailing address: Test and Evaluation Branch, U.S. EPA Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: Natalie Dobie or Mark A. Wolcott, Test and Evaluation Branch, U.S. EPA Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 741-7812 or (313) 668-4219, FTS 374-8812 or 374-8219.

SUPPLEMENTARY INFORMATION: Section 287(a)(2)(A) of the CAAA requires that states containing a Moderate and/or Serious CO non-attainment area with a design value greater than 12.7 ppm at the time of classification must forecast vehicle miles traveled in the non-attainment area for each year before the attainment year. The first forecast is due no later than November 15, 1992. The VMT forecast for the attainment year is the basis for the area's attainment demonstration. The intermediate forecasts act as milestones for progress towards attainment.

Annual updates of the annual VMT forecasts must be submitted to EPA along with annual reports regarding the extent to which such forecasts have proven to be accurate. These reports must contain estimates of actual vehicle miles traveled in each year for which the forecast was required.

Although the section 187 VMT Forecasting and Tracking Guidance does not identify the required contingency measures to be implemented if a VMT forecast is exceeded by either actual VMT or an updated forecast nor does it discuss the process for their implementation, the contingency measures and the implementation process will be discussed in future EPA guidance.

Dated: March 12, 1992.

William K. Reilly,

Administrator.

[FR Doc. 92-6390 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4116-1]

Science Advisory Board; Clean Air Act Compliance Analysis Council and Environmental Economics Advisory Committee; Open Meetings

Under Public Law 92-463, notice is hereby given that meetings of the Clean Air Act Compliance Analysis Council (CAACAC) and the Environmental Economics Advisory Committee (EEAC) of the Science Advisory Board will be held on April 14 and 15, 1992 at the Sheraton National Hotel, 900 S. Orem St., Arlington VA 22204. The hotel telephone number is (703) 521-1900.

The meetings will start at 9:30 a.m. each day, and will adjourn no later 6 p.m. each day, and are open to the public. The CAACAC will meet on April 14, and the EEAC on April 15.

The main purpose of the CAACAC meeting is to receive briefings from Agency officials on current economic analysis issues addressed by EPA's Air program office and to initiate review of the work plan and methodologies developed by the Agency's Office of Policy, Planning and Evaluation to conduct a Congressionally-mandated study of the costs/benefits of implementing provisions of the Clean Air Act. Specific issues for review include: (1) The assessment paradigm; (2) cost estimation; (3) macroeconomic modeling; (4) emissions modeling: (5) air quality modeling; (6) estimation of changes in health and welfare endpoints; (7) estimation of economic damages; and (8) uncertainty analysis.

Anyone wishing specific information on the workplan or copies of the relevant documentation should contact Dr. Joel Scheraga, Office of Policy, Planning, and Evaluation (PM223X), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Dr. Scheraga may be called at (202) 260-4029. This documentation is not available from the Science Advisory Board.

The main purpose of the EEAC meeting is to receive briefings from Agency officials on economic analysis issues addressed by various EPA program offices, and to initiate review of the study Environmental and Resource Accounting in the Chesapeake Bay Region, developed by the Agency's Office of Policy, Planning and Evaluation. The study, referred to as the "Chesapeaka Study," was carried out to explore concerns about the ability of conventional economic accounting systems to reflect accurately resource depletion and degradation of environmental quality. Specific issues for review include: (1) Identification of appropriate environmental accounting approaches; (2) discussion of the most appropriate scale for environmental accounting—regional/political unit, national, or global; (3) environmental vs. economic orientation of accounts; (4) sustainability concepts; (5) linkage of economic activities and the environment; and (6) data needs for environmental accounting.

Anyone wishing specific information on the Chesapeaka study or copies of the document should contact Ms. Anne Grambsch, Office of Policy, Planning, and Evaluation (PM 223X), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460. Ms. Grambsch may be called at (202) 260-2782. The document is not available from the Science Advisory Board.

Agendas for both meetings are available from Ms. Mary Winston, Staff Secretary, Science Advisory Board (A101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-260-6552). Members of the public desiring additional information about the conduct of either meeting should contact Mr. Samuel Rondberg, Designated Federal Official, Clean Air Act Compliance Analysis Council and Environmental Economics Advisory Committee, by telephone at the number noted above or by mail to the address noted above. Anyone wishing to make a presentation at either meeting should forward a written statement (35 copies) to Mr. Rondberg by April 6, 1992. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: March 13, 1992.

Robert Flaak,

Assistant Staff Director, Science Advisory Board.

[FR Doc. 92-6391 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-59934; FRL 4053-8]

Certain Chemical; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of one such PMN(s) and provides a summary of each.

DATES: Close of review period:

Y 92-103, March 10, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92-103

Manufacturer. Confidential.

Chemical. (S) Alkyd resin, styrenated.

Use/Production. (G) Air dry alkyd polymer for paint and metal coatings. Prod. range: Confidential.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-6397 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-F

FARM CREDIT ADMINISTRATION

[BM-14-NOV-91-03]

Policy Statement Concerning the Disclosure of the Issuance and Termination of Enforcement Documents

AGENCY: Farm Credit Administration.

ACTION: Policy statement.

SUMMARY: On November 14, 1991, the Farm Credit Administration Board (Board) adopted a policy for the disclosure of certain information concerning enforcement documents that describes the mechanisms by which the disclosure would occur by stating that the disclosure shall be made by the Office of Congressional and Public Affairs, that the disclosure shall take place after the enforcement document is issued or terminated, and that the contents will be informative but will not identify the institutions and/or persons involved.

EFFECTIVE DATE: November 14, 1991.

FOR FURTHER INFORMATION CONTACT: Frances A. Pedersen, Senior Attorney, Litigation and Enforcement Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The text of the Board's policy statement concerning the disclosure of the issuance and termination of enforcement documents is set forth below in its entirety.

Effective Date: 14-Nov-91

Effect on Previous Actions: None

Whereas, the Farm Credit Administration (FCA) Board finds that it is in the best interest of the Farm Credit System (FCS), the FCA, and the public, that certain information concerning the issuance and any subsequent termination of final enforcement orders, formal agreements and conditions imposed in writing (Enforcement Documents) be disclosed to the FCS and the public. Specifically, the basis for disclosing this information is to communicate to the FCS and the public that the FCA is effectively using its enforcement powers through the issuance of Enforcement Documents and the subsequent termination of such Enforcement Documents, when appropriate.

Therefore, the FCA Board adopts the following statement:

Upon issuance or termination of any Enforcement Document, the Office of Regulatory Enforcement shall notify the Director of the Office of Congressional and Public Affairs (OCPA) of such event. OCPA shall prepare, for release to the FCS and the public, a disclosure subject to the concurrence of the Office of General Counsel (OGC). If the OGC determines that a disclosure adversely affects a civil or criminal investigation, the disclosure will not be made. The disclosure shall include the information described below:

1. The type and date of action taken;

2. The type of institution to which the action pertains, or if the action pertains to an individual or entity, the relationship between the individual or entity and the institution; and

3. A description of the essential facts pertaining to the action, excluding information that would identify the institution and/or persons involved.

Dated this 14th day of November, 1991.

By Order of the Board.

Dated: March 13, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-6345 Filed 3-18-92; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 11, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contract Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0107.

Title: Private Radio Application for Renewal, Reinstatement and/or Notification of Change to License Information.

Form Number: FCC Form 405-A.

Action: Revision.

Respondents: Individuals or households, state or local governments, nonprofit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 2,700 responses; .33 hours average burden per response; 891 hours total annual burden.

Needs and Uses: Radio station licensees are required to apply for renewal of their radio station authorization every five years. The Commission issues computer-generated renewal notices, however, this form will serve as a short form alternative for licensees who fail to receive that notice for whatever reason. This form is also provided for Land Mobile licensees who wish to reinstate their authorization, and for Land Mobile, General Mobile, Aviation Ground and Marine Coast licensees who wish to cancel their authorization, or file a name and/or address change. The form has been revised to include fee processing data. FCC personnel will use the data to determine eligibility for an authorization renewal or reinstatement, and issue a radio station license. Data is also used in conjunction with field engineers for enforcement purposes and for authorization cancellations.

OMB Number: 3060-0139.

Title: Request for Antenna Height Clearance and Obstruction Marking and Lighting Specifications.

Form Number: FCC Form 854.

Action: Revision.

Respondents: Individuals or households, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 500 responses; .50 hours average burden per response; 250 hours total annual burden.

Needs and Uses: The Communications Act of 1934, as amended, authorizes the Commission to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a hazard to air navigation. This form will be used to: Evaluate the requirements for the painting and/or illumination of amateur, civil air patrol and satellite radio antenna that will exceed 200 feet or 1/100 of the minimum distance between the antenna site and any aircraft landing area, and approval for

the applicant to construct the antenna. The FCC will evaluate the antenna data submitted by the applicant when the antenna height will exceed 200 feet or 1/100 of the minimum distance between the antenna site and any public use landing area. The staff determines if part 17 of FCC rule requirements are met, and if any obstruction painting and/or lighting will be necessary.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6449 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 13, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0430.

Title: Section 1.1206, Non-restricted proceedings; ex parte presentations generally permissible but subject to disclosure.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 800 responses; 0.5 hours average burden per response; 400 hours total annual burden.

Needs and Uses: In accordance with Commission rules, certain presentations made to decision-making personnel in non-restricted proceedings (such as rulemakings and requests for declaratory rulings) must be made available for viewing by all parties to the proceeding. Specifically, this section requires that written presentations on matters not reflected in written comments and that are not served on the parties to the proceeding or memoranda summarizing oral presentations made without advance notice to the parties and without opportunity for them to be present be made available for public viewing. Two copies are needed—one for the official records file and one for the duplicate file made available for public inspection. If each exparte presentation is not placed in the official record of the proceeding in a timely manner, there is the potential for Commission decisions to be made based on data that has not been made available for public review and comment. At a minimum, this could cause a delay in the proceedings or an adverse court action on due process grounds.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6451 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 12, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW, Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0329.

Title: Section 2.955, Equipment Authorization—Verification.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 5,675 recordkeepers; 18 hours average burden per recordkeeper; 102,150 hours total annual burden.

Needs and Uses: Commission rules require verification of compliance to establish technical standards for certain part 15 and part 18 devices. Technical data is gathered and retained by the equipment manufacturer in order to verify compliance, for each device operated under the applicable Rule part. Testing, and required verification, aids in controlling potential interference to radio communications. The data gathered may be used for investigating complaints of harmful interference, or for verifying the manufacturer's compliance with the Rules.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6452 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-953-DR]

California; Amendment to Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-935-DR), dated February 25, 1992, and related determinations.

DATES: February 26, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: The notice of a major disaster for the State of California, dated February 25, 1992, is hereby amended to include Individual Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 25, 1992.

The counties of Kern, Los Angeles, Orange, San Bernardino, and Ventura for Individual Assistance. (Previously designated for Public Assistance.)

(Catalog of Federal Domestic Assistance No. 83. SIC, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-6306 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-935-DR]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA-935-DR), dated February 25, 1992, and related determinations.

DATES: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: Notice is hereby given that, in a letter dated February 25, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of California, resulting from severe rainstorms, snowstorms, wind, flooding, and mudslides on February 10, and continuing through February 18, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administative expenses.

You are authorized to provide Public Assistance in the designated areas. Individual Assistance may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Pubic Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. A. Roy Kite of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster

I do herby determine the following areas of the State of California to have been affected adversely by this declared major disaster:

The counties of Kern, Los Angeles, Orange, San Bernardino, Ventura for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-6309 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-936-DR]

New Jersey; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Jersey (FEMA-936-DR), dated March 3, 1992, and related determinations.

DATES: March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: Notice is hereby given that, in a letter dated March 3, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of New Jersey, resulting from a severe northeast coastal storm on January 4, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Therefore, as part of its commitment under Section 409 for this event, the State of New Jersey will be required to evaluate both the State Hazard Mitigation Plan and the New Jersey Shore Protection Master Plan to identify short and long-term strategies that are cost-effective, environmentally sound, and compatible with the natural coastal processes, to mitigate the continuing damages caused by beach erosion and dune degradation and reduce the need for future disaster assistance in these areas.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Stephen Kempf, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Jersey to have been affected adversely by this declared major disaster:

The counties of Atlantic, Cape May, and Ocean for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-6308 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

DATES: February 21, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: The notice of a major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Brazos, Coleman, Gonzales, Hill, Jones, and Wharton for Public

Assistance. (Previously designated for Individual Assistance.)

The counties of Matagorda and Robertson for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-6307 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

DATES: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: The notice of a major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Aransas, Mason, Refugio, Schackelford, Throckmorton, Young, and Zavala for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-6305 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Request for Additional Information

Agreement No.: 202-011259-003.

Title: United States/Southern Africa Conference Agreement.

Parties: Empresa de Navegacao International, Lykes Bros. Steamship Co., Inc., Safbank Line, Ltd.

Synopsis: Notice is hereby given that the Federal Maritime Commission, pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1705), has requested additional information from the parties to the Agreement in order to complete the statutory review of Agreement No. 202-011259-003 required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By order of the Federal Maritime Commission.

Dated: March 16, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6353 Filed 3-18-92; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Public Hearings for the Supplemental Draft Environmental Impact Statement for the Acquisition of Land on Which To Construct a Large-Scale Office Complex in Northern Virginia for Use by the Navy

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508), the General Services Administration (GSA) has prepared and filed with the U.S. Environmental Protection Agency a Supplemental Draft Environmental Impact Statement (SDEIS) for the acquisition of interests in land to construct thereon buildings to house the Naval Systems Command in at least 1,000,000 (one million) occupiable square feet of office and related space. All sites must have the capacity to house at least an additional 1,000,000 (one million) square feet of office and related space available for purchase at the option of the Government.

The SDEIS has been distributed to various federal, state and local agencies, elected officials, civic associations, and interested individuals. In addition, a copy of the SDEIS has been placed in the following public libraries:

George Mason Library, 70001 Little River TP., Annandale, VA

John Marshal Library, 6209 Rose Hill Dr., Alexandria, VA

Martha Washington Library, 6614 Fort Hunt Road, Alexandria, VA

Sherwood Library, 2501 Sherwood Hall, Ln., Alexandria, VA

Alexandria City Library, 717 Queen St., Alexandria, VA

James Duncan Library, 2501 Commonwealth Ave., Alexandria, VA

Columbia Pike Library, 816 S. Walter Reed Dr., Arlington, VA

Cherrydale Library, 2190 N. Military Rd., Arlington, VA

Shirlington Library, 2700 S. Arlington Mill Dr., Arlington, VA

Fairfax City Library, 3915 Chain Bridge Road, Fairfax, VA

Ellen Coolidge Library, 4701 Seminary Rd., Alexandria, VA

Central Library, 1015 North Quincy St., Arlington, VA

Aurora Hills Library, 735 S. 18th St., Arlington, VA

Glencarlyn Library, 300 S. Kensington St., Arlington, VA

Westover Library, 1800 N. Lexington St., Arlington, VA

A limited number of single copies are available at the address listed at the end of this notice.

Public hearings to inform the public of the SDEIS findings and to solicit comments will be held on the following dates:

April 1, 1992, Aurora Hill Recreation Center, 735 S. 18th Street, Arlington, VA, 7 p.m. to 10 p.m.

April 2, 1992, Durant Senior Center, 1605 Cameron Street, Alexandria, VA, 7 p.m. to 10 p.m.

The public hearings will be jointly conducted by GSA and the Navy. Federal, state, and local agencies, and interested parties are invited and urged to be present or be represented at the hearings. Oral statements will be heard and transcribed by a stenographer; however, for the accuracy of the record, all statements should be submitted in writing as well. All statements, both oral and written, will become part of the public record for this project. Equal weight will be given to oral and to written statements.

In the interest of time, each speaker will be requested to limit her/his comments to no more than five (5) minutes. If longer statements are to be presented, the statement should be summarized at the public hearing and the full comment submitted in writing either at the hearing or mailed to the address listed at the end of this notice. All written statements MUST be postmarked by April 13, 1992, to become part of the official record.

As discussed in the SDEIS, GSA proposes to acquire land on which to construct a large-scale office development in northern Virginia (Arlington County, Cities of Alexandria and Falls Church); and that portion of

Fairfax County encompassed by I–495 and I–95, and one and approximately 1.5 miles to the west of I–495, and approximately 1.5 south of I–495 and I–95.

Alternatives examined in the SDEIS include: no action; construction and/or rehabilitation of office space on developer-owned sites; and construction and/or rehabilitation of office space on government-owned sites. All government-owned sites capable of supporting large-scale office development were evaluated. To determine the level of interest from private property owners, GSA issued an Expression of Interest for the sale of privately-held land. Criteria evaluating both government- and privately-owned land were uniformly applied to all sites to determine the range of reasonable alternatives. The alternatives generated from this analysis are: Crystal City (government construction on a parcel near the intersection of Hayes and 15th Streets, and leasing of existing space in Crystal City in Arlington County); Eisenhower Avenue (government construction on a parcel near the intersection of Eisenhower Avenue and Mill road in Alexandria); and Van Dorn (government construction on a parcel near the intersection of Cleremont Drive and Eisenhower Avenue in Alexandria.).

Development of any of these sites as proposed could result in significant localized traffic impacts. In addition, significant community service impacts could occur as a result of the proposed action at the Eisenhower Avenue and Van Dorn sites as an additional fire station to serve the proposed development would be needed. Also, significant impacts to existing recreational facilities near the Eisenhower Avenue and Van Dorn sites could occur. Potentially significant impacts to archeological resources could occur at the Eisenhower Avenue site. Though not significant, impacts to land use plans could occur at the Eisenhower Avenue and Van Dorn sites.

Additional information concerning this notice may be obtained by contacting: Mr. George Chandler (WPL), General Services Administration, National Capital Region, 7th and D Streets, SW, room 7618, Washington, DC 20407, Telephone 202/708-5334, FAX 202/708-7671.

Dated: March 10, 1992.

Linda L. Eastman, Director,

NCR Planning Staff.

[FR Doc. 92–6400 Filed 3–18–92; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Insitute of Mental Health; Advance Notice of Request for Applications for ACCESS Grants

Background

Homelessness is an unacceptable condition for anyone, but particularly for individuals with severe mental illnesses. On any given night, up to 600,000 people are literally homeless, living and sleeping on our streets, in parks, in shelters, or in darkened corners of public transportation settings. About one-third of these homeless, single adults are suffering from severe mental illnesses such as schizophrenia or manic-depressive disorder. For a sizeable proportion of the homeless severely mentally ill population—estimated at one-half or more—the abuse of alcohol and/or other drugs complicates their already troubled lives.

As described in Outcasts on Mainstreet: The Report of the Task Force on Homelessness and Severe Mental Illness (1992),[1] homeless individuals with severe mental illnesses too often have difficulty obtaining access to and utilizing existing housing and services programs. The Task Force, sponsored by the Interagency Council on the Homeless, determined that such access is best provided through an integrated system of services to provide and coordinate the array of supports for homeless individuals disabled by severe mental illnesses, including those with co-occurring alcohol and/or other substance abuse disorders. The system must be integrated, but it must also be flexible enough to preserve and respect the diversity in this multi-need population. The critical question is exactly how to provide access and ensure integration and flexibility in a single system.

Purpose

To answer this question, the Department of Health and Human Services (HHS), in collaboration with the Departments of Housing and Urban Development (HUD), Labor (DOL), Education (DoEd), Veterans (VA) and Agriculture (USDA), plans to award Access to Community Care and Effective Services and Supports (ACCESS) grants in FY 1993. These grants would provide support to States and localities to develop comprehensive and integrated systems of treatment, housing, and support for homeless persons with severe mental illnesses. The long-term goal of the ACCESS program is to foster an enduring partnership to improve the integration of existing Federal, State, local, and private sector services to end homelessness among this disabled population. Award of these grants is dependent upon Congressional approval of funds requested in the President's FY 1993 budget.

ACCESS Program Description

To be eligible for an ACCESS grant, a State, working with several specific communities, will be required to develop and implement an integrated set of services, and participate in the evaluation of a plan to improve integration of all existing and potential resources relevant to the needs of homeless severely mentally ill people in those communities. States requiring immediate assistance in ending homelessness among severly mentally ill individuals residing in shelters, public transportation settings, parks, and on streets are encouraged to apply.

Applicants will be asked to specify methods for improving service system integration, at both State and local levels. All appropriate Federal, State, and local resources should be considered. Because the ACCESS grants are intended to test models that could be adapted and used in other communities nationally, a sound plan for evaluation and monitoring at each site will be required.

In addition, the specific evaluation objective of this grant program is to assess whether promising approaches to services integration within communities enhance the provision and efficacy of services to homeless individuals with severe mental illnesses. Therefore, the Federal government, in cooperation with the States, will conduct a systematic, multi-site evaluation to assess how the proposed service integration plans are being implemented, the specific nature and amount of each services provided, the characteristics and needs of recipients of the intervention, and client outcomes.

Successful applicants will have the added opportunity of participating in an array of Federal technical assistance, training, expedited review of waiver requests, and other intergovernmental partnership activities associated with the initiative.

[1] This report is available from the Office of Programs for the Homeless Mentally Ill, National Institute of Mental Health, room 7C–06, 5600 Fishers Lane, Rockville, MD 20857.

Availability of Pre-Award Technical Assistance

The timing of the proposed grant program will permit extensive pre-award technical assistance to potential applicants, including regional meetings of applicants with Federal Staff. Such assistance will include information on the service and housing needs for the homeless mentally ill population, advice on how to use mainstream and targeted Federal programs and relevant Federal waiver authorities; advice in preparing applications; and suggestions for evaluation methodolgy.

Further Information

Complete information on the ACCESS initiative and application procedures is expected to appear in the **Federal Register** during May, 1992.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92-6311 Filed 3-18-92; 8:45 am]

BILLING CODE 4160-20-M

Grant to the Arizona Department of Health Services

AGENCY: Office for Treatment Improvement, ADAMHA, HHS.

ACTION: Grant to support treatment activities for substance-abusing offenders in a correctional environment.

SUMMARY: This notice is to provide information to the public concerning a planned grant from the Office for Treatment Improvement/ADAMHA to the Arizona Department of Health Services to fund the Amity-Pima County Jail project. This is not a formal request for applications. Assistance will be provided only to the Arizona Department of Health Services.

Authority: The grant will be made under the authority of Public Law 102-141, the Treasury, Postal Services, and General Government Appropriations Act of 1992, as well as Public Law 100-690. An Award is being made on a sole source basis because the Conference Committee report for Public Law 102-141 provides directive language that the appropriation includes "$350,000 for the Office for Treatment Improvement to operate the Amity Jail Project in Pima County, Arizona." The report also notes that the project, "provides treatment to drug-abusing criminal offenders in the Pima County Adult Detention Center and has been used as a model for similar drug treatment programs throughout the country." This grant is the appropriate mechanism to fund this activity since it is our intent to provide support for a public purpose and agency involvement in the actual conduct of the activity is not required. The grant is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Background

Previous research has empirically demonstrated the causal relationship between substance abuse and criminal activity. National Institute on Drug Abuse (NIDA) research showed a significantly lower recidivism rate for individuals participating in correctional therapeutic communities. Amity, Inc. has operated a modified therapeutic community for male and female substance abusers within the Pima County Adult Detention Center since 1987.

This grant will expand current services in four distinct areas:

(1) Provide a six-month transitional residential program for individuals reentering the community from the jail.

(2) Provide for one-year continuance groups to maintain a positive aftercare environment for program graduates.

(3) Implement and impact evaluation to measure post release treatment progress outcomes at six-month intervals (up to twenty-four months).

(4) Develop corrections-treatment cross training curriculum modules for national dissemination.

The Arizona Department of Health Services, through its Division of Behavioral Health Services, is the State agency statutorily responsible for the development and maintenance of substance abuse treatment services. Amity, Inc., is a non-profit community services organization founded in 1969. Amity, Inc., provides an array of substance abuse services ranging from prevention and early intervention school-based programs to long-term treatment programs for adolescents and adults. Amity, Inc., has targeted underserved and difficult to work with substance abusing populations. Among these are teenage mothers, abused adolescents, juvenile offenders, adult offenders with extensive criminal histories and individuals with HIV/AIDS. Amity also offers specialized care to members of minority groups such as Hispanics and Native Americans.

The Amity-Pima County Jail Project has been in existence for four years. The project was initially funded under an 18-month, $300,000 demonstration grant from the U.S. Department of Justice's Bureau of Justice Assistance (BJA). Evaluation data released in the final report to BJA indicated a number of positive treatment outcomes for program graduates including a decrease in rearrest rates and an increase in employment and aftercare involvement.

The project serves as a national demonstration site on the development and the implementation of therapeutic communities for incarcerated offenders and has served as a model for correctional substance abuse treatment programs in several jurisdictions including New York City, Alabama, California, and Florida. During periodic workshops and orientation sessions, the program has been visited by hundreds of public officials, corrections personnel, and drug treatment providers from across the United States and several foreign countries.

The Amity-Pima County Jail project has established itself as a center for national information transfer on correctional substance abuse programming. This grant will enhance the effectiveness of the current model and will provide the necessary resources for the Amity-Pima County Jail project to expand this mission. This grant is consistent with the state of Arizona drug abuse treatment plan.

Availability of Funds

The project will be for a three-year period with $350,000 avilable for the first year. Future year funding will depend on the availability of funds and program performance.

The Office for Treatment Improvement will administer the grant through the Arizona Department of Health Services to better coordinate the project with the State drug treatment system.

FOR FURTHER INFORMATION CONTACT: Nicholas L. Demos J.D., OTI/ADAMHA, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-6533.

The Catalog of Federal Domestic Assistance number for this program is 93.903.

Dated: March 16, 1992.

Joseph R. Leone

Associate Administrator for Management, Alcohol, Drug Abuse, Mental Health Administration.

[FR Doc. 92-6447 Filed 3-18-92; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

Fernald Dosimetry Reconstruction Project; Draft Interim Report

AGENCY: Centers for Disease Control (CDC), Public Health Service, (PHS), Department of Health and Human Services.

ACTION: Request for public comment on the Fernald Dosimetry Reconstruction Project—Draft Interim Report.

SUMMARY: On December 18, 1991, CDC released the draft interim report on

source term from the Feed Materials Production Center (FMPC) near Ross, Ohio. The Agency requests comments on this report entitled, "Tasks 2 and 3: Radionuclide Source Terms and Uncertainties—1960–1962." Comments and recommendations should be concise, specific, and accompanied by supporting statements.

DATES: Comments must be received by April 20, 1992.

ADDRESSES: Comments should be sent to Mr. Paul Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects (EHHE), National Center for Environmental Health and Injury Control (NCEHIC), CDC, 1600 Clifton Road, NE., (F–28), Atlanta, Georgia 30333, Telephone (404) 488–4613.

FOR FURTHER INFORMATION CONTACT: If you wish to have a copy of the Draft Interim Report, please contact Mr. Paul Rinard, Radiation Studies Branch, EHHE, NCEHIC, CDC 1600 Clifton Road, NE., (F–28), Atlanta, Georgia 30333, Telephone (404) 488–4613.

SUPPLEMENTARY INFORMATION: This report treats only the quantitation of radioactivity releases at the FMPC and only for the years 1960–1962. This report, known as the source term, is the first of several important steps in determining how much radiation reached the public and by what pathways. Additional work is in progress to determine radiation exposures or dose to those living in the vicinity of the facility, for example, determining the source term for the remaining years since the beginning of plant operations in 1951, modeling of the air and water pathways for transport of the radioactivity off-site, and validation of the source term and the modeling techniques.

Dated: March 13, 1992.

Ladene H. Newton,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 92–6352 Filed 3–18–92; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Gastrointestinal Drugs Advisory Committee

Date, time, and place. April 13 and 14, 1992, 9 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 13, 1992, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; closed committee deliberations, April 14, 1992, 9 a.m. to 1 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD–180), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 419–259–6211, or Valerie M. Mealy, Advisors and Consultants Staff, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 31, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss new drug application (NDA) 20–210, Cisapride, Janssen Pharmaceutica, Inc., for the treatment of gastroesophageal reflux disease.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending investigational new drugs (IND's) and NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Generic Drugs Advisory Committee

Date, time, and place. April 23 and 24, 1992, 8 a.m., Bethesda Ramada Inn, Embassy Ballroom, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open committee discussion, April 23, 1992, 8 a.m. to 3:45 p.m., open public hearing, 3:45 p.m. to 4:30 p.m., unless public participation does not last that long; closed committee deliberations, 4:30 p.m. to 6 p.m.; open committee discussion, April 24, 1992, 8 a.m. to 3:30 p.m.; open public hearing, 3:30 p.m. to 4:45 p.m.; unless public participation does not last that long; Isaac F. Roubein, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General function of the committee. The committee gives advice on scientific and technical issues concerning the safety and effectiveness of human generic drug products for use in the treatment of a broad spectrum of human diseases and makes appropriate recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Director of the Center for Drug Evaluation and Research. The committee may also review agency-sponsored intramural and extramural biomedical research programs in support of FDA's generic drugs regulatory responsibilities.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 10, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On April 23, 1992, the committee will discuss formulation development, biobatch manufacture and scale-up, production manufacturing and validation, post-approval changes, and quality and performance controls. On April 24, 1992, the committee will discuss regulatory history and current methods, pharmacodynamics, dermatopharmacokinetics, in vitro release methods, and bioequivalence of topical corticosteroids.

Closed committee deliberations. The committee will review trade secret and/or confidential commercial information relevant to a pending abbreviated new drug application. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. April 30, 1992, 9 a.m., Jack Masur Auditorium, Clinical Center, Bldg. 10, National Institutes of

Health, 9000 Rockville Pike, Bethesda, MD; (Parking in the Clinical Center visitor area is reserved for Clinical Center patients and their visitors. If you must drive, please use an outlying lot such as Lot 41B. Free shuttle bus service is provided from Lot 41B to the Clinical Center every 8 minutes during rush hour and every 15 minutes at other times) and May 1, 1992, 9 a.m., Conference Rm. B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 30, 1992, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; closed committee deliberations, May 1, 1992, 9 a.m. to 1 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 419–259–6211, or Valerie M. Mealy, Advisors and Consultants Staff, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in cardiovascular and renal disorders.

Agenda—Open pulbic hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 22, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss NDA's 20–136 (tablets), and 20–137 (for injection), torsemide (Presaril), Boehringer Mannheim, for use in hypertension and edema.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending IND's and NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2, 10(d)). permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative session to formulate advice and

recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 12, 1992.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 92-6310 Filed 3-18-92; 8:45am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-92-3415]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 10, 1992.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: HOPE Grant Programs-Notice of Program Guidelines, FR-2967.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Under the HOPE program, HUD makes planning grants and implementation grants to selected eligible applicants to assist them in developing and carrying out homeownership programs for eligible families. These guidelines outline application, review and selection for awards.

Form Number: HUD-91170, 91171 and 91172.

Respondents: Individuals or Households, State or Local Governments, Federal Agencies or Employees, Non-Profit Institutions, and Small Businesses or Organizations.

Frequency of Submission: Annually and Recordkeeping.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Form HUD-91170	200		1		23		4,600
Form HUD-91171	250		1		17		4,250
Form HUD-91172	50		1		63		3,150
Recordkeeping	95		1		44		4,180

Total Estimated Burden Hours: 16,180.

Status: Extension.

Contact: Margaret Milner, HUD, (202) 708-4542. Jennifer Main, OMB, (202) 395-6880.

Dated: March 10, 1992.

[FR Doc. 92-6304 Filed 3-18-92; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-00-4351-12]

Closure and Restrictions on Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure and restrictions on public land for the protection of sensitive water and wildlife resources.

SUMMARY: Pursuant to the regulations contained in 43 CFR 8364.1 the Bureau of Land Management is closing to motorized vehicle travel approximately 360 acres of public lands in and around Gucci Spring, located within the Orocopia Mountains Wilderness Study Area (WSA CDCA #344). This closure includes all dry wash beds leading into Gucci Spring from the intersection with the main canyon route, which remains open from November 1 to June 1. The legal description of the closure is as follows:

T. 7S., R 12E. SBBM., Riverside County, California;
Sec. 24: NE¼, NE¼SE¼;
Sec. 13: SW¼.

A map of the area described above may be viewed in the Resource Area office. This closure is necessary to

prevent further impacts to sensitive wildlife habitat and water source.

Personnel that are exempt from the area closure include any Federal, State or local officer, or member of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized by the Bureau.

DATES: This closure is effective on March 19, 1992 and shall remain in effect until rescinded by the authorized officer.

PENALTIES: Violators are subject to fines and/or imprisonment.

FOR FURTHER INFORMATION CONTACT: Russell L. Kaldenberg, Palm Springs-South Coast Resource Area Manager, 63-500 Garnet Avenue, P.O. Box 2000, North Palm Springs, CA 92258-2000. (619) 251-0812.

Dated: March 6, 1992.

Jean Rivers-Council,

Acting District Manager.

[FR Doc. 92-6371 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-40-M

Bureau of Land Mangement

[AZ-020-01-4332-02]

Phoenix District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Phoenix District Advisory Council.

DATES: May 8, 1992.

SUMMARY: The Phoenix District Advisory Council of the Bureau of Land Management meets May 8, 1992 at the Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona at 9 a.m. to discuss and make recommendations on various public land issues.

The Council has been established by and will be managed according to the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes:

—Introduction of New Advisory Council Members.
—Kingman Resource Area Resource Management Plan.
—Hohokam Heritage Center.
—BLM Management Updates.
—Business from the Floor.
—Comments and Statements.
—Future Meetings and Agenda Topics.

SUPPLEMENTARY INFORMATION: This is a public meeting and the Bureau of Land Management welcomes the presentation of oral statements or the submission of written statements that address the issues on the meeting agenda or related matters.

Dated: March 13, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92-6461 Filed 3-18-92; 8:45 am]

BILLING CODE 4320-02-M

Bureau of Land Management

[AZ-040-02-4333-02]

Joint Meeting for the Safford District Advisory Council and the Gila Box Riparian National Conservation Area Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management (BLM), Safford District announces a joint meeting of the Safford District Advisory Council and the Gila Box Riparian National Conservation Area Advisory Committee.

DATES: Tuesday, April 14, 1992, at 8:30 a.m.

ADDRESSES: Safford District BLM Office, 425 E. 4th St., Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92-463 and 94-579 and 43 CFR part 1784. The agenda for the joint meeting will include:

1. Introduction of new members.
2. Update on Gila Box Riparian NCA planning effort.
3. Report on Sanchez Copper Project EIS.
4. Update on resolution of Safford District RMP protests.
5. Management Updates.

Following the joint meeting, the Gila Box Committee will participate in a tour of the grazing allotments within the NCA. The regular business meeting for the Council will continue at the Safford District Office.

The meeting is open to the public. Interested parties may make oral statements between 10:30 a.m. and 11 a.m. Written statements may also be filed for consideration by the Council and Committee. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Monday, April 13, 1992.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hour) within thirty (30) days following the meeting.

Dated: May 11, 1992.

Ray A. Brady,

District Manager.

[FR Doc. 92-6372 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-32-M

[AK-080-02-4333-02]

Modification of Designated Off-Road Vehicle (ORV) Use Areas for the White Mountains National Recreation Area (White Mountains NRA) and Associated Lands

This notice of modification of designated ORV use areas applies to lands and water surfaces within the White Mountains National Recreation Area in the Mount Prindle area as shown on the White Mountains National Recreation Area Off-Road Vehicle Use Area Amendments Map that are managed by the Bureau of Land Management, and is subject to valid existing rights.

This order is issued pursuant to 43 CFR subpart 8342 and in accordance with the authority and requirements of Executive Order 11644 and 11989, and implements provisions of the White Mountains NRA Gateway Project Record of Decision signed on March 9, 1990. It modifies an earlier order, published July 15, 1988. This order will become effective May 1, 1992 and remain in effect until rescinded or modified by the District Manager, Steese/White Mountains District.

Definitions

The term *winter use* refers to the period of time between October 15 and April 30, inclusive. The term *summer use* refers to the remaining period of time between May 1 and October 14. The terms *gross vehicle weight* and *GVW* refer to the loaded weight of the vehicle, including gear, passengers, and fuel.

A. Modifications of Limited ORV Use Designations

1. The foothills area, as defined in the order published July 15, 1988, has been reduced in size by the expanded highlands area between the Quartz Creek Trail and the Mount Prindle Research Natural Area.

The revised boundary is shown in detail on the March 1992 Quartz Creek Trail Map, on file at the Steese/White Mountains District Office in Fairbanks, Alaska. A written description of the new portion of the eastern boundary of the foothills area follows:

Beginning at the intersection of the Quartz Creek Trail and Quartz Creek in T.8 N., R.6 E., sec. 8, Fairbanks Meridian, following the Quartz Creek Trail

generally south through secs. 17, 18, 19, 30 and 31, into T. 7 N., R. 6 E., sec. 6, across Champion Creek into sec. 7, then continuing into T. 7 N., R. 5 E., through secs. 12, 13, 24, 25, 35 and 36, into T. 6 N., R. 5 E., through secs. 1 and 12 to the Nome Creek Road in the Nome Creek valley. This is the end of the established Quartz Creek Trail, and the boundary continues from the Nome Creek Road in a straight line westerly through secs. 7 and 8 to peak 3740 in T. 6 N., R. 6 E., sec. 9, which is on the eastern boundary of the White Mountains National Recreation Area.

The foothills area is open to use of ORVs that weigh less than 1,500 pounds GVW. Subject to valid existing rights, the use of ORVs weighing over 1,500 pounds GVW is prohibited in this area without written authorization from the District Manager, Steese/White Mountains District. Written authorization is not required by this notice for use of ORVs that weigh over 1,500 pounds GVW on the U.S. Creek Road, the Nome Creek Road, and the mining tailings along Nome Creek.

2. The highlands area, as defined in the order published July 15, 1988, has been expanded in size to include the area between the Quartz Creek Trail and the Mount Prindle Research Natural Area. The new boundary is shown in detail on the March 1992 Quartz Creek Trail Map, on file at the Steese/White Mountains District Office in Fairbanks, Alaska. This new boundary divides the foothills area from the highlands area, and a written description in given above.

Subject to valid existing rights, the highlands area is open to winter use by snowmachines that weigh less than 1,500 pounds GVW. All ORV use is prohibited in the Windy Creek drainage, and the Fossil Creek drainage below the Windy Gap cabin, from April 15 to August 31, inclusive, in order to avoid disturbance to known peregrine falcon nesting areas. Written authorization is not required by this notice for use of ORVs that weigh over 1,500 pounds GVW on the U.S. Creek Road, the Nome Creek Road, and the mining tailings along Nome Creek. All other ORV use is prohibited without written authorization from the District Manager, Steese/White Mountains District.

The foregoing provisions are not applicable to any Federal, State, or local law enforcement officer, or any member of any organized rescue or fire suppression force in the performance of an official duty.

Signs will be placed at major access points showing ORV use restrictions. Maps identifying these designated use areas are available at the office listed below. Operators of ORVs in violation of these designations are subject to the penalties prescribed in 43 CFR subpart 8340.0-7.

Direct questions and responses to: Steese/White Mountains District Manager, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709-3844, (907) 474-2350.

Dated: March 6, 1992.

Jack Mellor,

Acting District Manager, Steese/White Mountains District.

[FR Doc. 92-6315 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-JA-M

[MT-930-4212-13; MTM 75701]

Notice of Conveyance of Certain Lands in Phillips County, MT, and Order Providing for Opening of Public Land in Phillips County; MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLMPA), to the operation of the public land laws. The land that was acquired in the exchange provides additional wetlands, wildlife habitat, and increased opportunity for habitat improvement projects. The exchange also allows for increased management efficiency of public land in the area. No minerals were exchanged by either party. The public interest was well served through completion of this exchange.

EFFECTIVE DATE: April 29, 1992.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2935.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to Sec. 206 of FLPMA the following described lands were transferred to William French and Lela M. French:

Principal Meridian, Montana

T. 29 N., R. 29 E.,
Sec. 12, all;
Sec. 13, N½NW¼.
T. 26 N., R. 30 E.,
Sec. 25, N½SW¼.
T. 29 N., R. 30 E.,
Sec. 18, SE¼.
T. 24 N., R. 31 E.,
Sec. 1, lots 1 through 4, inclusive S½S½;
Sec. 3, SW¼SE¼;
Sec. 10, W½NE¼, NW¼, NW¼SW¼, NW¼SE¼;
Sec. 11, E½NE¼;
Sec. 12, all;
Sec. 13, E½NW¼.
T. 25 N., R. 31 E.,
Sec. 25, SE¼NE¼.
T. 26 N., R. 31 E.,
Sec. 30, lots 3, 4, E½SW¼.
T. 24 N., R. 32 E.,
Sec. 6, lots 3, 4, and 5, SE¼SW¼;
Sec. 7, lots 1 through 4, inclusive, E½W½.
T. 25 N., R. 32 E.,
Sec. 30, lot 2, SW¼NE¼, SE¼NW¼.

Total acreage conveyed: 3152.45 acres.

2. In exchange for the above selected land, the United States acquired the following described surface estate from William French and Lela M. French:

Principal Meridian, Montana

T. 25 N., R. 30 E.,
Sec. 6, S½NE¼.
T. 26 N., R. 30 E.,
Sec. 14, S½;
Sec. 15, SE¼;
Sec. 20, SW¼SW¼;
Sec. 22, N½, SE¼;
Sec. 23, N½;
Sec. 26, S½SE¼;
Sec. 29, E½NW¼, NE¼SW¼.
T. 25 N., R. 31 E.,
Sec. 2, NW¼SE¼NW¼, N½SW¼NW¼;
Sec. 3, lot 1.
T. 26 N., R. 31 E.,
Sec. 27, SW¼;
Sec. 29, N½;
Sec. 30, NE¼;
Sec. 33, S½NE¼, N½S½;
Sec. 34, E½W½, SW¼NW¼NE¼, NW¼SW¼NE¼, S½SW¼NE¼, NW¼SE¼, W½NE¼SE¼, S½SE¼.

Containing 2889.53 acres.

3. The value of the Federal public land was appraised at $92,800 and the private land was appraised at $87,000. A cash equalization payment was made to the United States for $5,800.

4. At 9 a.m. on April 29, 1992, the lands described in paragraph 2 above that were conveyed to the United States will be opened only to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law. All valid applications received at or prior to 9 a.m. on April 29, 1992, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: March 12, 1992.

James Binando,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 92-6462 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-DN-M

[NV-930-92-4212-11; N-36905]

Termination of Recreation and Public Purposes Classification and Limited Opening Order; Nevada

March 9, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates Recreation and Public Purposes Classification N-36905 in its entirety and provides for opening the land to disposal by noncompetitive sale to the Clark County Housing Authority, pursuant to section 203 and section 209 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713, 1719).

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Mary Clark, Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520, (702) 785-6520.

SUPPLEMENTARY INFORMATION: On September 25, 1984, a lease was issued to the Clark County Board of County Commissioners, for a fire station, pursuant to the Recreation and Public Purposes Act (43 U.S.C. 869, 869-1 to 869-4), for the following described land, comprising 10 acres:

Mount Diablo Meridian, Nevada

T. 32 S., R. 66 E.,
Sec. 15, SW¼SW¼SW¼.

The fire station was never constructed and the lease expired on September 24, 1989.

The Clark County Housing Authority would like to purchase the subject land, pursuant to section 203 and section 209 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713, 1719) for development of 100 units of conventional public housing.

Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by appendix 1 of Bureau of Land Management Manual 1203, Recreation and Public Purposes Classification N-36905 is hereby terminated in its entirety.

At 10 a.m. on March 19, 1992 the above-described land will become open only to disposal pursuant to section 203 and section 209 of the Act of October 21, 1976 (43 U.S.C. 1713, 1719), for the purpose of consummating a noncompetitive sale to the Clark County Housing Authority, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

The land will remain closed to all other forms of appropriation including the mining and the mineral leasing laws.

Billy R. Templeton,

State Director, Nevada.

[FR Doc. 92-6316 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-HC-M

[CA-010-02-4333-02-241A]

Firearms Use Restriction and Closure Order Established; Squaw Leap Management Area, Hollister Resource Area, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of Firearms Use Restriction and Closure Order on Public Land within the Squaw Leap Management Area of the Hollister Resource Area, Bakersfield District, California.

SUMMARY: Certain described public lands within the Hollister Resource Area in and around the Squaw Leap Management Area in Fresno and Madera Counties, California are hereby closed to the shooting or discharge of any firearm, air or gas gun, sling, elastic or spring gun, slingshot, bow, crossbow, dart or any implement or mechanical appliance by which any bullet, shot, stone, dart or other projectile may be propelled, sprung or thrown from one place to another for any reason. This closure and use restriction will be in effect on all of the below described public lands:

Mount Diablo Meridian, California

T. 9 S., R. 22 E.
Sec. 26: SE¼ SW¼, SE¼ SE¼;
Sec. 27: SE¼ SE¼;
Sec. 33: SE¼ SE¼, S½ SW¼;
Sec. 34: ALL;
Sec. 35: W½, W½ SE¼, SW¼ NE¼, E½ E½.
T. 10 S., R. 22 E.
Sec. 1: Lots 4, 20, 21;
Sec. 2: Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, S½ NW¼, NW¼ SW¼, SW¼ NE¼;
Sec. 3: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, SE¼ NW¼, NE¼ SW¼, N½ SE¼, S½ NE¼;
Sec. 4: Lots 11, 12;
Sec. 9: Lots 19, 20, 23, 24, 25, 30, E½ SE¼;
Sec. 10: ALL;
Sec. 11: NW¼ NW¼, SW¼ SW¼;
Sec. 15: N½, NE¼ SE¼;
Sec. 16: That portion of NE¼ above high water line of Millerton lake.

Approx. Total = 4,374.92 acres.

The Following Persons are Exempted From the Closure or Restrictions: Any person(s) with a written permit in possession that specifically authorizes the otherwise prohibited activity. Any Federal, State or Local Law Enforcement Officer, or any member of an organized rescue or fire fighting force while in the performance and execution of an official duty. Any person shooting or discharging a firearm or other implement in an attempt to take or the taking of game birds or game mammals during the open hunting season for that game bird or game mammal as specified by the State of California, provided said person has in possession a valid California hunting license and/or tags and stamps as required by Federal and/or California State laws and regulations, *and* said person's hunting activities and shooting or discharge of a firearm, bow, or other implement are in conformity with applicable Federal and State of California hunting regulations and laws.

DATES: This order is in effect March 19, 1992, and will remain in effect until amended or cancelled.

FOR FURTHER INFORMATION CONTACT: Robert Beehler, Area Manager, Hollister Resource Area, Bureau of Land Management, #20 Hamilton Court, Hollister, Ca. 95023; (408) 637-8183.

SUPPLEMENTARY INFORMATION: This order is necessary for public safety and for the protection of persons, public and private property, lands and resources within and adjacent to the closed area.

Authority for Closure orders is provided under 43 CFR 8364.1. Any person who fails to comply with this closure or restriction order shall be subject to the penalties provided in 43 CFR 8360.0-7. Violations of this closure or restriction order are punishable by a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months. Any firearm, ammunition or instrumentality of an offense involved in or used or intended to be used in, any violation of this order, shall be subject to seizure, forfeiture and disposal.

Dated: March 10, 1992.

Robert E. Beechler,

Area Manager.

[FR Doc. 92-6368 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-40-M

[ID-943-4214-11; IDI-016764]

Proposed Continuation of Withdrawal; ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a 4.50 acre withdrawal in the Salmon National Forest be continued for 20 years and a 50 acre withdrawal in the Sawtooth National Forest for 30 years. The lands are now being utilized for recreation site purposes and contain

valuable capital improvements. The lands would remain closed to the mining laws, but have been and would remain open to mineral leasing.

EFFECTIVE DATE: Comments should be received by June 17, 1992.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208 384–3162.

The U.S. Forest Service proposes that the existing land withdrawal made by public land order 4021 be continued for the sites and time periods indicated below, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714:

Boise Meridian

(Salmon National Forest)

Footbridge Flat Recreation Area—20 years.
T. 23 N., R. 17 E.,
Sec. 13, metes and bounds.

Lightfoot Bar Recreation Area—30 years.
T. 3 N., R. 13 E.,
Sec. 7, SE¼SW¼NE¼, E½NW¼SE¼ and E½SW¼SE¼.

The areas described aggregate 54.50 acres in Camas and Lemhi Counties.

The withdrawal is essential for protection of substantial capital improvements on the sites. The withdrawal closed the land to mining, but not to mineral leasing. No changes in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: March 11, 1992.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 92–6369 Filed 3–18–92; 8:45 am]

BILLING CODE 4310-GG-M

[OR-943-4214-10; GP2-161; OR-47551]

Proposed Withdrawal and Opportunity for Public Meeting; OR; Correction

The land description in FR Doc. 91–22663, published on page 47803, in the issue of Friday, September 20, 1991, is hereby corrected as follows:

On page 47803, column 3, line 26 reads "northeast corner" and is corrected to read "northwest corner".

Dated: March 5, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92–6370 Filed 3–18–92; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-4212-10; GP2-162; OR-47551]

Partial Termination of Proposed Withdrawal and Reservation of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has canceled its application in part to withdraw certain lands for protection of the scenic, recreational, water quality, and fishery resource values of the North Fork John Day River-Elkhorn Drive Scenic Byway Corridor. This action will terminate a portion of the proposed withdrawal.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97298–0039, 503–280–7171.

SUPPLEMENTARY INFORMATION: The notice of the U.S. Department of Agriculture, Forest Service, application OR–47551 for withdrawal was published as FR Doc. 91–22663 of the issue of September 20, 1991, and corrected as FR Doc. 91–24930 of the issue of October 17, 1991. The purpose of the proposed withdrawal is to protect the scenic, recreational, water quality, and fishery resource values of the North Fork John Day River-Elkhorn Drive Scenic Byway Corridor. The applicant agency has determined that a portion of the proposed withdrawal is no longer needed and has canceled the application insofar as it effects the following described land:

Willamette Meridian

Umatilla National Forest

T. 7 S., R. 35½ R.,
Sec. 34, that portion of the SE¼NE¼ outside the boundary for the North Fork John Day Wilderness.

The area described contains approximately 36.20 acres in Grant County, Oregon.

Pursuant to the regulation 43 CFR 2310.2–1(c), at 8:30 a.m., on April 20, 1992, the proposed withdrawal will be terminated in part. The above described land is included in an existing Forest Service recreation withdrawal and will not be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the mining laws.

The lands remaining in the proposed withdrawal aggregate approximately 1,189.37 acres in Grant County, Oregon.

Dated: March 5, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92–6373 Filed 3–18–92; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-4214-10; GP2-163; ORE-012974]

Proposed Continuation of Withdrawal; OR; Correction

The land description in FR Doc. 90–9108, published on page 14869, in the issue of Thursday, April 19, 1990, is hereby corrected as follows:

On page 14870, column 2, item 9, paragraph 2 reads "10 acres located in Sec. 34" and is corrected to read "36.20 acres located in Sec. 34".

Dated: March 5, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92–6366 Filed 3–18–92; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for Dudley Bluffs Bladderpod (Lesquerella Congesta) and Dudley Bluffs Twinpod (Physaria Obcordata) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for Dudley Bluffs bladderpod (*Lesquerella congesta*) and Dudley Bluffs twinpod (*Physaria obcordata*). These plants occur mostly

on public lands administered by the Bureau of Land Management in Piceance Basin in Rio Blanco County, Colorado. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before May 18, 1992 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the State Supervisor's Office, Fish and Wildlife Enhancement, 730 Simms Street, suite 290, Golden, Colorado 80401 (303/231–5280) or the Western Colorado Fish and Wildlife Enhancement Suboffice, 529 25½ road, suite B–113, Grand Junction, Colorado 81505 (303/243–2778). Written comments and materials regarding this draft recovery plan should be sent to the State Supervisor at the Golden address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the Golden address above.

FOR FURTHER INFORMATION CONTACT: Keith Rose at the Grand Junction Suboffice (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing approved recovery plans.

Lesquerella congesta and *Physaria obcordata* are endemic to the Piceance Basin in Rio Blanco County, Colorado. These members of the mustard family are known from five major populations each, two of which occur together. Most sites are on public land administered by the Bureau of Land Management, with the remainder on private land or on Colorado Division of Wildlife's land. Both species grow on oil shale outcrops in the multimineral oil shale zone, an area containing rich deposits of oil shale and sodium minerals (nahcolite and dawsonite). Both species could be significantly impacted by development of these deposits for mineral extraction. Recovery activities planned for these species will focus on protecting existing and potential habitats, conducting surveys to locate additional habitats or populations, and conducting studies on the species' ecology. Given the species' limited habitat, it is unlikely that delisting of the species will occur in the foreseeable future.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the recovery plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 5, 1992.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 92–6321 Filed 3–18–92; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the collection of information and related forms and explanatory material may be obtained by contacting Jeane Kalas at 303–231–3046. Comments and suggestions on this information collection should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget Paperwork Reduction Project (1010–0040), Washington, DC 20503, telephone 202–395–7340.

Title: Production Accounting and Auditing System Oil and Gas Reports.

Abstract: Production Accounting and Auditing System information is needed to provide comprehensive production and disposition data on oil and gas produced from Federal onshore and offshore leases, and from Indian leases. The Minerals Management Service (MMS) uses the data to monitor production, for audits, and to compare reported production with sales data reported in the MMS Auditing and Financial System.

Bureau Form Numbers: MMS–3160, MMS–4051, MMS–4052, MMS–4053, MMS–4054, MMS–4055, MMS–4056, MMS–4057, MMS–4058, and MMS–4061

Frequency: Monthly, quarterly, annually.

Description of Respondents: Companies producing and processing oil and gas from Federal onshore and offshore leases, and from Indian leases.

Estimated Completion Time: One-quarter to one-half hour.

Annual Responses: 377,984

Annual Burden Hours: 106,192.

Bureau Clearance Officer: Dorothy Christopher 703–787–1239.

Dated: January 28, 1992.

Jimmy W. Mayberry,

Acting Associate Director for Royalty Management.

[FR Doc. 92–6367 Filed 3–18–92; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Malaria Vaccine Program Advisory Committee; Meeting

AGENCY: Agency for International Development, IDCA.

ACTION: Notice of partially closed meeting.

COMMITTEE: Malaria Vaccine Program Advisory Committee.

DATES AND LOCATIONS: VBC Conference Room, 1901 North Fort Myer Drive, Arlington, VA 22209.

1. April 6, 9 am–12 pm, suite 400.
2. April 6, 1 pm–4:30 pm, suite 400, (closed session).
3. April 7, 9 am–12 pm, suite 400.

Agenda: The committee will (1) review progress towards malaria vaccine development by A.I.D.–funded and other invited investigators and (2) review procurement actions, both current and planned.

Closed Meeting: Portions of the meeting are closed under exemption 9(B)

of 5 U.S.C. 552(b) to discuss proposals, scopes of work, cost estimates, and other sensitive procurement information. Disclosure of such information would be likely to significantly frustrate implementation of current and future procurements by A.I.D.

FOR FURTHER INFORMATION CONTACT: Kirk Miller, Malaria Vaccine Program Development, A.I.D. Office of Health, Washington, DC 20523–1817, (703) 875–5693. Robert L. Wrin, Chief, Communicable Diseases Division, Office of Health, Bureau for Research and Development.

Dated: March 16, 1992.

Jan W. Miller,

Assistant General Counsel for Employee and Public Affairs.

[FR Doc. 92–6408 Filed 3–18–92; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Victoria Dettmar, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6211.

Comments on the following assessment are due 30 days after the date of availability.

AB–55 (Sub-No. 411X), CSX Transportation, Inc.—Abandonment—In Floyd County, Kentucky. EA available 3/4/92.

Comments on the following assessment are due 5 days after the date of availability.

AB–1 (Sub-No. 216X), Chicago and Northwestern Transportation Company—Notice of Exemption—Abandonment and Discontinuance of Service—Near Crystal Lake, Illinois. EA available 3/4/92.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6356 Filed 3–18–92; 8:45 am]

BILLING CODE 7035–01–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling opertions as authorized in 49 U.S.C. 10524(b).

A. (1) Parent Corporation—Burnham Corporation, 1245 Manheim Pike, Lancaster, PA 17601.

(2) Wholly—owned subsidiary—Governale Company, Inc., A Unit of Burnham Corporation, 5508 Avenue N, Brooklyn, NY 11234, (Delaware Corporation).

B. 1. Parent corporation and address of principal office: Hannaford Bros. Co., P.O. Box 1000, Portland, ME 04104.

2. Wholly owned subsidiaries which may participate in the operations, and State of incorporation:

Name of subsidiary	State of incorporation
Progressive Distributors, Inc	Maine.
Hannaford Trucking Co. (ICC MC 164100).	Maine.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6357 Filed 3–18–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of Special Counsel for Immigration Related Unfair Employment Practices

Immigration Related Employment Discrimination Public Education Grants

AGENCY: Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") announces the availability of up to $3,000,000 for grants to conduct public education programs about the rights afforded potential victims of employment discrimination and the responsibilities of employers under the antidiscrimination provision of the Immigration Reform and Control Act of 1986 ("IRCA"), 8 U.S.C. 1324b, as amended by title V, section C of the Immigration Act of 1990.

It is anticipated that a number of grants will be competitively awarded to applicants who can demonstrate a capacity to design and successfully implement public education campaigns to combat immigration—related employment discrimination. Grants will range in size from $50,000 to $150,000. Additionally, OSC may selectively consider awarding grants for a very limited number of proposals of exceptional quality, of regional or national scope, ranging in size to $250,000. Such proposals may be submitted as supplements to, and not in lieu of, individual proposals with a $150,000 limit.

OSC will accept proposals from applicants who have access to potential victims of discrimination or whose experience qualifies them to educate employers about the antidiscrimination provision of IRCA. OSC welcomes proposals from diverse sources, such as not-for-profit community-based organizations and local, regional or national ethnic and immigrants' rights advocacy organizations which serve potential victims of discrimination. OSC also welcomes proposals from trade associations, industry groups, professional organizations, and other entities providing information services to employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

APPLICATION DUE DATE: Monday, May 18, 1992.

FOR FURTHER INFORMATION CONTACT: Juan Maldonado, Senior Trial Attorney or Patita McEvoy, Public Affairs Specialist, Office of Special Counsel for Immigration Related Unfair Employment Practices, 1100 Connecticut Ave., NW., suite 800, P.O. Box 65490, Washington, DC 20035–5490. Tel. (202) 653–8121, or (202) 296–0168 (TDD for the hearing impaired).

SUPPLEMENTARY INFORMATION: The Office of Special Counsel for Immigration Related Unfair Employment Practices of the Department of Justice announces the availability of funds to conduct public education programs concerning the antidiscrimination provision of the IRCA. Funds will be awarded to selected applicants who propose cost effective ways of disseminating information to employers and members of the protected class or to those who can fill a particular need not currently being met.

Background

On November 6, 1986, President Reagan signed into law the Immigration

Reform and Control Act of 1986, Public Law No. 99-603. IRCA makes hiring aliens without work authorization unlawful, and it requires that employers verify the identity and work authorization of all new employees. Employers who violate this law are subject to sanctions including fines and possible criminal prosecution.

During Congressional debate of IRCA, Congress foresaw the possibility that employers, fearful of sanctions, would refuse employment to individuals simply because they looked or sounded foreign. Consequently, Congress enacted section 102 of IRCA, an antidiscrimination provision. Section 102 prohibits employers of three or more employees from discriminating on the basis of citizenship status in hiring, firing, recruitment or referral for a fee. The antidiscrimination provision protects citizens and certain classes of work authorized aliens. Protected non-citizens include permanent residents, temporary residents under the amnesty, the Special Agricultural Workers (SAWs) or the Replenishment Agricultural Workers (RAWs) programs, refugees and asylees who apply for naturalization within six months of being eligible to do so. National origin discrimination in hiring, firing, recruitment or referral for a fee, against citizens and any work authorized alien is also prohibited. This prohibition applies to employers with four to fourteen employees. National origin discrimination complaints against employers with fifteen or more employees remain under the jurisdiction of the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964.

Congress created the OSC to enforce Section 102. OSC is responsible for receiving and investigating discrimination charges and, when appropriate, filing complaints with a specially designated administrative tribunal. OSC also initiates independent investigations of possible section 102 violations.

While OSC has established a record of vigorous enforcement, studies by the U.S. General Accounting Office and other sources have shown that there is an extensive lack of knowledge on the part of protected individuals and employers about the antidiscrimination provision. Enforcement cannot be effective if potential victims of discrimination are not aware of their rights. Moreover, discrimination can never be eradicated so long as employers are not aware of their responsibilities.

Purpose

OSC seeks to educate both potential victims of discrimination about their rights and employers about their responsibilities under the antidiscrimination provision of IRCA.

Program Description

The program is designed to develop and implement cost effective approaches to disseminate information regarding IRCA's antidiscrimination provision. The campaign should focus on educating potential victims of employment discrimination about their rights and educating employers about their responsibilities under IRCA. Applications may proposed to educate potential victims only, employers only, or both in a single campaign. Proposals should outline the following key elements of the program:

Part I: Targeted Population

The educational efforts under the grant should be directed to (1) work authorized non-citizens who are protected individuals, since this group is especially vulnerable to employment discrimination; (2) those citizens who are especially likely to become victims of employment discrimination; and/or to (3) employers. The proposals should define the characteristics of the work authorized alien population or the employer group(s) targeted for the educational campaign, and the applicant's qualifications to credibly and effectively reach large segments of the campaign targets.

The proposals should also detail reasons for targeting each group of protected individuals or employers by describing particular needs or other factors to support the selection.

In defining the campaign targets and supporting the reasons for the selection, applicants may use studies, surveys, or any other sources for information of generally accepted reliability.

Part II: Campaign Strategy

We encourage applicants to devise effective and creative means of public education and information dissemination that are specifically designed to reach the widest possible targeted audience. Those applicants proposing educational campaigns addressing potential victims of discrimination should keep in mind that some of the traditional methods of public communication may be less than optimal for disseminating information to members of national or linguistic groups that have limited community-based support and communication networks.

Proposals should discuss the components of the campaign strategy, detail the reasons supporting the choice of each component, and explain how each component will effectively contribute to the overall objective of cost effective dissemination of useful and accurate information to a wide audience of protected individuals or employers. Discussions of the campaign strategies and supporting rationale should be clear, concise, and based on sound evidence and reasoning.

A key element of the campaign is the accuracy of information disseminated about the OSC and its mission. Accordingly, any original outreach and educational materials developed by a grantee, as well as any material derived from other sources, must be reviewed by OSC for legal accuracy and proper emphasis prior to production. All information distributed should also include mention of the OSC as a source of assistance, information and action and the correct address and telephone numbers of the OSC (including the toll-free and TDD toll-free numbers for the hearing impaired).

Part III: Evaluation of the Strategy

One of the central goals of this program is determining what public education strategies are most effective in dispersing information about the antidiscrimination provision. To be effective in planning future public education efforts, OSC needs to know what works and what does not. Measuring the effectiveness of the campaign strategy and public education materials is therefore crucial, and the methods of measurement and their results must be carefully detailed.

Full evaluation of a project's effectiveness should be performed at the midpoint and within sixty days of the conclusion of the campaign. The midpoint report, due thirty days after the end of the second quarter of implementation, is intended to encourage productive alternations to a campaign, when necessary, based on experience and knowledge gained in the first half of the project. Applicants are encouraged to discuss in their proposal the means they will use to devise alternate campaign strategies, if needed.

Selection Criteria

The final selection of grantees for award will be made by the Special Counsel for Immigration Related Unfair Employment Practices after a careful evaluation of each proposal received by OSC.

After a preliminary screening, proposals will be submitted to a panel of

specialists. OSC anticipates seeking assistance from sources with specialized knowledge in evaluating proposals, including the agencies that are members of the IRCA Antidiscrimination Outreach Task Force: the Department of Labor, the Equal Employment Opportunity Commission, the Small Business Administration and the Immigration and Naturalization Service. Each panelist will evaluate the proposals for effectiveness and efficiency with emphasis on the various factors enumerated below. The panel's results are advisory in nature and not binding on the Special Counsel. Letters of support, endorsement, or recommendation will not be accepted or considered.

Applicants should be aware that some states are currently conducting IRCA antidiscrimination outreach and education programs with funds made available under the Immigrant Nurses Relief Act of 1989, Pub. L. 101–238. Unnecessary duplication of specific efforts under those programs should be avoided. OSC will take steps to coordinate these efforts but expects that, to the extent practicable, grantees will do so as well.

In determining which applications to fund, OSC will consider the following (based on a one-hundred point scale):

1. Program Design (50 Points)

Sound program design and cost effective strategies for dissemination of information to the targeted population are imperative. Consequently, areas that will be closely examined include the following:

a. Evidence of in-depth knowledge of the goals and objectives of the project. (10 points)

b. Selection and definition of the target group(s) for the campaign, and the factors that support the selection, including special needs, and the applicant's qualification to effectively reach the target. (10 points)

c. A cost effective campaign strategy for wide dissemination of information to targeted employers and/or members of the protected class, with a justification for the choice of strategy. (10 points)

d. Proposal should include a preliminary and general description of any printed, audio or video public education materials (whether original or adapted from other sources) the applicant proposes to use and distribute during the campaign. Points will be awarded to those applicants that demonstrate an ability to create original educational materials, or to skillfully combine materials from other sources in a way that is specifically designed to most effectively meet the needs of the targeted group(s). (10 points)

e. The evaluation methods proposed by the applicant to measure the effectiveness of the campaign and their precision in indicating to what degree the campaign succeeds in meeting its goals. (10 points)

2. Administrative Capability (20 Points)

Proposals will be rated in terms of the capability of the applicant to implement the targeting, public education and evaluation components of the campaign:

a. Evidence of proven ability to provide high quality results. (10 points)

b. Evidence that the applicant can implement the campaign, and complete the evaluation component within the time lines provided. **Note:** OSC's experience during previous grant cycles has shown that a number of applicants choose to apply as a consortium of individual entities; or, if applying individually, propose the use of sub-contractors to undertake certain limited functions. It is essential that these applicants demonstrate the proven management capability and experience to ensure that, as lead agency, they will be directly accountable for the successful implementation, completion, and evaluation of the project. (10 points)

3. Staff Capability (10 Points)

Applications will be evaluated in terms of the degree to which:

a. The duties outlined for grant-funded positions appear appropriate to the work that will be conducted under the award. (5 points)

b. The qualifications of the grant-funded positions appear to match the requirements of these positions. (5 points)

4. Previous Experience (20 Points)

The proposals will be evaluated on the degree to which the applicant demonstrates that it has successfully carried out programs or work of a similar nature in the past.

Eligible Applicants

This grant competition is open to not-for-profit community-based organizations, local, regional or national ethnic and immigrants' rights advocacy organizations which serve potential victims of discrimination, trade associations, industry groups, professional organizations, and other entities providing information services to employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

Grant Period and Award Amount

It is anticipated that several grants will be awarded and will range in size from $40,000 to $150,000.

OSC is also considering, on a trial basis, selectively awarding grants to a very limited number of proposals of exceptional quality, of regional or national scope, ranging in size to $250,000. Such proposals must set forth a broad-range and comprehensive public education campaigns designed to educate large numbers of employers or potential victims of discrimination nationwide, or in localized regions of the country. For purposes of this proposal, "region" means a multi-jurisdictional area consisting of two or more contiguous states with a high concentration of work-authorized aliens. The term "region" shall also mean the states of California and Texas individually. During evaluation, the panel will closely examine those proposals that guarantee maximum exposure and penetration in the employer or potential victims target populations. Thus, a campaign designed to reach a very large proportion of employers (or potential victims) in the state of Texas would take precedence over a campaign designed to reach a more limited number of employers (or potential victims) nationwide.

Final decision whether to award any grants at the $250,000 funding level will be made by the Special Counsel only after all proposals are evaluated by the selection panel. To ensure that OSC receives an adequate number of applications in the normally acceptable funding range (up to $150,000), no proposals for the larger amount (up to $250,00) will be accepted unless submitted as a supplement, or in addition to an independent proposal, of at least comparable quality, with a $150,000 limit. Companion applications may propose similar campaigns, differing only in scope and reach; or they may propose substantially different campaign designs. In all cases, however, both proposals submitted by an applicant must be considered acceptable by the selection committee before OSC will consider awarding a $250,000 request for a grant.

Publication of this announcement does not require OSC to award any specific number of grants, to obligate the entire amount of funds available, or to obligate any part thereof. The period of performance will be twelve months from the date of the grant award. Those grantees who successfully achieve their goals may be considered for

supplementary funding for a second year based on the availability of funds.

Application Deadline

All applications must be received by the close of business (6 p.m. e.d.t.) on Monday, May 18, 1992 at the Office of Special Counsel for Immigration Related Unfair Employment Practices, 1100 Connecticut Ave., NW., suite 800, P.O. Box 65490, Washington, DC 20035-5490. Applications submitted via facsimile machine will not be accepted or considered.

Application Requirements

Applicants should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must contain the following items in the order listed below:

1. A completed and signed Application for Federal Assistance (Standard Form 424) and Budget Information (Standard Form 424A).
2. OJP Form 4061/6 (Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements).
3. An abstract of the full proposal, not to exceed one page.
4. A program narrative of not more than fifteen (15) double-spaced typed pages which include the following:

a. A clear statement describing the approach and strategy to be utilized to complete the tasks identified in the program description;

b. A clear statement of the proposed goals and objectives, including a listing of the major events, activities, products and timetables for completion;

c. The proposed staffing plan; and

d. Description of how the project will be evaluated.

5. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted line item cost. If an indirect cost rate is used in the budget, then a copy of a current fully executed agreement between the applicant and the Federal cognizant agency must accompany the budget.
6. Copies of resumes for the professional staff proposed in the budget. NOTE: If the grant project manager is to be hired later as part of the grant, hiring is subject to review and approval by OS at that time.
7. Detailed technical materials that support or supplement the description of the proposed effort should be included in the appendix.

In order to facilitate handling, please do not use covers, binders or tabs.

Application forms may be obtained by writing or telephoning; Office of Special Counsel for Immigration Related Unfair Employment Practices, 1100 Connecticut Ave., NW.-suite 800, P O box 65490, Washington, DC 20035-5490. Tel. (202) 653-8121, or (202) 296-0168 (TDD for the hearing impaired).

Dated: March 12, 1992.

Approved:

William Ho-Gonzalez,

Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices.

[FR Doc. 92-6264 Filed 3-18-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council; Meetings and Agenda

The regular Spring meetings of the Board and Committees of the Business Research Advisory Council will be held on April 8 and 9, 1992. All of the meetings will be held in the General Accounting Office Building, 441 G Street, NW., Washington, DC. The meeting will be open to the public.

The Business Research Advisory Board and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda for the meetings are as follows:

Wednesday, April 8, 1992

10 a.m.—Committee on Compensation and Working Conditions—Room 2736

1. Introduction of cost levels for health insurance.
2. Reflecting births in the Employment Cost Index (ECI)/Employee Benefits Survey (EBS) sample.
3. Discussion of the EBS/ECI integration.
4. Discussion of the uses of locality benefits data to assist in the Occupational Compensation Survey Program.
5. Elect new vice chair.

10 a.m.—Committee on Economic Growth—Room 2734

. Projections of the supply and demand for scientists, engineers, and technicians 1990-2005.
2. Supply and demand for college graduates and research on the returns to education.
3. Evaluation of the projections to 1990 of the labor force, economic trends, and employment by industry and occupation.
4. Alternative projections: Micro and macro variables.

1:30 p.m.—Committee on Employment and Unemployment—Room 2736

1. Overview and budget issues.
2. Automated Review of Industry Employment Statistics (ARIES).
3. Issues in the Current Employment Statistics Survey (CES): Comparison to the Current Population Survey (CPS) and benchmark to ES-202.
4. Laptop CPS and impacts of the redesign.
5. Employee Turnover and Job Openings Survey.
6. Technical assistance programs in Mexico.

1:30 p.m.—Committee on Price Indexes—Room 2734

1. Interarea price index research.
2. Adjustment for quality changes in the CPI.
3. Consumer Expenditure Survey.
4. Other business.
5. Elect new vice chair.

Thursday, April 9, 1992

10 a.m.—Committee on Productivity-Foreign Labor—Room 2734

1. Major sector productivity measures:

—Incorporation of the Bureau of Economic Analysis' (BEA's) benchmark revisions in January.
—Productivity trends since the beginning of the recession.

2. Report on the industry multifactor productivity measurement program.
3. Update on BLS programs for Eastern Europe and Mexico.

10 a.m.—Committee on Occupational Safety and Health Statistics—Room 2736

1. Status report on the redesign of the Annual Survey of Occupational Injuries and Illnesses.
2. Status report on the Census of Fatal Occupational Injuries.
3. Other business.

2 p.m.—Board of the Business Research Advisory Council—Room 2736

1. Chairperson's opening remarks.
2. Deputy Commissioner's remarks.
3. Committee reports:

a. Committee on Compensation and Working Conditions.

b. Committee on Productivity-Foreign Labor.

c. Committee on Employment and Unemployment.

d. Committee on Price Indexes.
e. Committee on Economic Growth.
f. Committee on Occupational Safety and Health Statistics.
4. Other Business.
5. Chairperson's closing remarks.

For further information, contact Constance B. DiCesare, Liaison, Business Research Advisory Council, on Area code (202) 523–1090.

Signed at Washington, DC, the 13th day of March 1992.

William G. Barron, Jr.,
Deputy Commissioner.

[FR Doc. 92–6380 Filed 3–18–92; 8:45 am]
BILLING CODE 4510–24–M

Employment and Training Administration

[TA–W–26, 748]

Conagra Fruen Mill Minneapolis, MN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 21, 1992 in response to a worker petition which was filed on January 21, 1992 on behalf of workers at Conagra Fruen Mill, Minneapolis, Minnesota.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 12th day of March, 1992,

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–6379 Filed 3–18–92; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–26,911]

Exploration Employment Services, Inc., Livingston, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 2, 1992, in response to a worker petition which was filed on March 2, 1991, on behalf of workers at Exploration Employment Services, Inc., Livingston, Texas.

A negative determination application to the petitioning group of workers was issued on December 19, 1991 (TA–W–26,535). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 10th day of March, 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–6376 Filed 3–18–92; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–26,624]

GEO Western Drilling Fluids, Bakersfield, CA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administration reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Geo Western Drilling Fluids, Bakersfield, California. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–26,624; Geo Western Drilling Fluids, Bakersfield, California (March 12, 1992).

Signed at Washington, DC, this 12th day of March 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–6377 Filed 3–18–92; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–26,616]

Tuboscope, Inc., Williston, ND; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Tuboscope, Incorporated, Williston, North Dakota. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–26,616; Tuboscope, Incorporated, Williston, North Dakota (March 12, 1992).

Signed at Washington, DC, this 12th day of March 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–6378 Filed 3–18–92; 8:45 am]
BILLING CODE 4510–30–M

NATIONAL EDUCATION GOALS PANEL

Meeting

AGENCY: The National Education Goals Panel.

ACTION: Notice of meeting.

SUMMARY: The National Education Goals Panel was established by a Joint Statement between the President and the Nation's governors dated July 31, 1990. The panel will determine how to measure and monitor progress toward achieving the national education goals and report to the nation on the progress toward the goals.

TENTATIVE AGENDA ITEMS: The agenda for the meeting includes a discussion of options for goal one indicators, a progress report on goal two assessment, and a discussion of options for the 1992 National Education Goals Report indicators.

DATES: The twelfth meeting is scheduled for Friday, March 27, 1992, 1:30–4:30 p.m.

ADDRESSES: The Washington Court Hotel, Capitol Hill, 525 New Jersey Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The National Education Goals Panel office at (202) 632–0952. Please give your name to indicate attendance.

Dated: March 12, 1992.

Roger B. Porter,
Assistant to the President for Economic and Domestic Policy.

[FR Doc. 92–6325 Filed 3–18–92; 8:45 am]
BILLING CODE 3127–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Meetings

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/786–0282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose

of panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

1. *Date:* April 16–17, 1992.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

2. *Date:* April 21, 1992.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

3. *Date:* April 22, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for Special Opportunity in Foreign Language Education in the Higher Education in the Humanities Program, Submitted to the Division of Education Programs, for projects beginning after September 1, 1992.

4. *Date:* April 23, 1992.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

5. *Date:* April 23–24, 1992.
Time: 8:30 a.m.to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

6. *Date:* April 23–24, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications for Humanities Projects in Libraries and Archives, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

7. *Date:* April 24, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for Special Opportunity in Foreign Language Education in the Higher Education in the Humanities Program, submitted to the Division of Education Programs, for projects beginning after September 1992.

8. *Date:* April 27, 1992.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

9. *Date:* April 27–28, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications for the Humanities Projects in Libraries and Archives, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

10. *Date:* April 29, 1992.
Time: 9 a.m. to 5 p.m.
Room: M–14.
Program: This meeting will review applications in Special Opportunity in Foreign Language Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

11. *Date:* April 30, 1992.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers applications for directing seminars in 1993 in the field of English and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.

12. *Date:* April 30–May 1, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications for Public Humanities Projects, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

13. *Date:* April 30–May 1, 1992.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

David C. Fisher,
Advisory Committee, Management Officer.
[FR Doc. 92–6374 Filed 3–18–92; 8:45 am]
BILLING CODE 7536–01–M

National Endowment for the Arts Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Presenting and Commissioning Advisory Panel (Overview Section) will be held on April 2–3, 1992 from 9 a.m.—5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics will be opening remarks, general program overview, review of program categories and discussion of FY 1994 policy and guidelines issues.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information will reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 16, 1992.

Yvonne M. Sabine,
Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 92–6460 Filed 3–18–92; 8:45 am]
BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Animal Learning and Behavior; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Animal Learning and Behavior.
Date and Time: April 13, 1992; 9 a.m. to 12 p.m. (open); 1 p.m. to 5 p.m. (closed). April 14, 1992: 9 a.m. to 4 p.m. (closed); 4 p.m. to 5 p.m. (open). April 15, 1992; 9 a.m. to 5 p.m. (closed).
Place: Room 1243, National Science Foundation, 1880 G Street, NW., Washington, DC 20550.
Type of Meeting: Part open.
Contact Person: Dr. Fred Stollnitz, Program Director, Animal Behavior, National Science Foundation, 1800 G Street, NW., room 321, Washington, DC 20550. Telephone: (202) 357–7949.
Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in animal behavior.

Agenda: Open: To discuss research trends and opportunities in animal behavior.

Closed: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6432 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Archaeology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Archaeology.

Date and Time: April 12-13, 1992, 9 a.m.-5 p.m.

Place: Pittsburgh Hilton, Pittsburgh, Pennsylvania 15222.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director for Anthropology, room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357-7804.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Archaeology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6427 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Archaeometry and Systematic Anthropological Collection; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Archaeometry and Systematic Anthropological Collections.

Date and Time: April 20, 1992, 9 a.m.-5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 540B, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director for Anthropology, room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357-7804.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Archaeometry.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption 4 and 6 of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler.

Committee Management Officer.

Advisory Committee for Atmospheric Sciences; Committee of Visitors; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide oversight review of the Aeronomy and Large-scale Dynamics Meteorology Programs as well as to review the 5-year proposal for the operation and management of the National Center for Atmospheric Sciences in the Division of Atmospheric Sciences. The entire meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b (c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Name: Advisory Committee for Atmospheric Sciences/Committee of Visitors.

Date & Time: April 6-8, 1992; 8:30 a.m. to 5 p.m. each day.

Place: NSF, room 1242—1243, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Closed.

Agenda: (1) Oversight review of Aeronomy and Large-scale Dynamics Meteorology Program, including examination of proposals, reviewer comments, and other privileged materials. and (2) review of the 5-year proposal for operation and management of the National Center for Atmospheric Research.

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, room 604 National Science Foundation, Washington, DC 20550. Telephone (202) 357-9874.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6419 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Biochemistry; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Biochemistry.

Date: Thursday, Friday, and Saturday, April 23, 24 and 25, 1992, 9 a.m. to 5 p.m.

Place: National Science Foundation, 1110 Vermont Avenue, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Marcia Steinberg, Program Director, Dr. Todd Martensen, Program Director, Biochemistry Program, rm. 325, Telephone (202) 357-7945.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for Biochemistry research proposals.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Dated: March 16, 1992

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6438 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis panel in Biological and Critical Systems.

Date and Time: March 30, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, Rm. 500E, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Clifford J. Astill, Program Director, Earthquake Hazard Mitigation Program, Room 1132, NSF, Washington, DC 20550. Telephone: (202) 357-9500.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Biological and Critical Systems.

Agenda: To review and evaluate NSF Young Investigator nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 USC 552b (c)(4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty in getting panelist together.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92-6409 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Biological and Critical Systems.

Date and Time: March 30, 1992; 8:30 a.m. to 5:00 p.m.

Place: NSF, Rm. 500E, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Clifford J. Astill, Program Director, Earthquake Hazard Mitigation Program, room 1132, NSF, Washington, DC. 20550. Telephone: (202) 357-9500.

Name: Special Emphasis Panel in Behavioral and Neural Sciences.

Date and Time: March 30-31, 1992; 8:30 a.m. to 5 p.m.

Place: Rm. 1242, NSF, 1800 G St. NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Jean Intermaggio, Program Director for Social Psychology, room 320, NSF, Washington, DC. 20550. Telephone: (202) 357-9485.

Purpose of Meetings: To provide advice and recommendations concerning support for NSF Young Investigator nominations.

Agenda: To review and evaluate NYI nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 USC 552 b (c)(4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty is getting panelist together on short notice.

Dated: March 16, 1992

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6410 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Cell Biology.

Date and Time: April 13-15, 8:30 a.m. to 5 p.m.

Place: St. James Hotel, 950 24th Street NE., Washington, DC 20037.

Type of Meeting: Part Open: Closed 4/13—8:30 a.m. 5 p.m. Open: 4/14—12:00 p.m. to 1:30 p.m. Closed: 4/15—8:30 p.m. to 5 p.m. All other times the meeting is closed.

Contact Person: Dr. Eva Ida Barak, Acting Program Director, Cell Biology Program, room 325, National Science Foundation, Washington, DC 20550.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in cell biology.

Agenda: Open—General discussion of current status and future plans of the Cell Biology Program. *Closed*—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personnel information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6431 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cell Biology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology.

Date and Time: April 23-25, 1992, 8:30 am to 5 pm.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Type of Meeting: PART OPEN: Closed 4/23—8:30 am to 5 pm; Open 4/24—12 pm to 1:30 pm; Closed 4/25—8:30 am to 5 pm; All Other Times the Meeting is Closed.

Contact Person: Dr. Eve Ida Barak, Acting Program Director, Cell Biology Program, room 325, National Science Foundation, Washington, DC 20550.

Purpose of Advisory Panel: To provide advice and recommendation concerning support for research in cell biology.

Agenda: Open—General discussion of current status and future plans of the Cell Biology Program; Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b (c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6439 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cellular Biochemistry; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cellular Biochemistry.

Date & Time: April 9, 10 & 11, 1992, 8:30 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ernest G. Uribe, Program Director, room 321 and Dr. Robert P. Burchard, Program Director, room 325 National Science Foundation, Washington, DC, 20550, Telephone (202) 357-7987.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in cellular biochemistry and metabolism.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 USC 552b(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6424 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Meeting; DOE/NSF Nuclear Science Advisory Committee

The National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and Time: April 10, 1992 from 9 a.m. to 5:30 p.m., April 11, 1992 from 8:30 a.m. to 12 noon.

Place: National Science Foundation, 1800 G Street, NW., rm. 540, Washington, DC 20550.

Type of Meeting: Open (*).

Contact Person: John W. Lightbody, Program Director for Nuclear Physics, National Science Foundation, Washington, DC 20550, (202) 357–7993.

Minutes: May be obtained from contact person.

Purpose of Meeting: To advise the National Science Foundation and the Department of Energy on scientific priorities within the field of basic nuclear science research.

Agenda: April 10, 1992

- Statements from the Agencies.
- Discussion of the Revised Nuclear Data Sub-Committee Report.
- Presentation and Discussion of the Draft Report of the Long Range Plan Implementation Sub-Committee.
- Public Comment (**).
- Further Discussion and Preparation of the NSAC. Draft Report to the DOE/NSF Charge on Budget Priorities.

April 11, 1992

- Continued Discussion and Preparation of NSAC Draft Report to DOE/NSF Charge on Budget Priorities.

(*) Because of weekend security, persons wishing to attend the meeting on Saturday April 11, will have to call the Contact Person in advance to arrange for out-of-hours entry to the building.

(**) Persons wishing to speak should make arrangements through the Contact Person identified above.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6421 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design and Manufacturing Systems.

Date and Time: April 8, 1992, 8:30 a.m. to 5 p.m.

Place: Room 500–D, National Science Foundation, 1110 Vermont Ave., NW., Washington, DC.

Type of Meeting: Closed.

Contract Person: Dr. Suren B. Rao, Program Director, Division of Design and Manufacturing Systems, National Science Foundation, 1800 G St., NW., room 1128, Washington, DC 20550. Telephone: (202) 357–7676.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Young Investigator Award Nominations submitted to the Division of Design and Manufacturing Systems.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6423 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Developmental Biology; Meeting

Name: Advisory Panel for Developmental Biology.

Date & Time: April 22nd–24th, 1992 8:30 am to 5 pm.

Place: National Science Foundation, 1800 G St., NW., Washington DC 20550 Telephone: 202/357–7989

Type of Meeting: Closed.

Contact Person: Dr. Thomas Brady, Program Director, Developmental Biology, Room 321, National Science Foundation, Washington, DC 20550.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Developmental Biology.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data; such as salaries and personal information concerning individuals associated with the proposals.

These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6437 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Earth Sciences; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Earth Sciences.

Date: April 10, 1992.

Time: 8 a.m. to 5 p.m.

Place: Room 536, National Science Foundation, 1800 G Street, NW. Washington, DC.

Type of Meeting: Closed.

Agenda: Review and evaluate National Science Foundation Young Investigator (NYI) Applications.

Contact: Dr. Marvin Kauffman, Program Director, Education and Human Resources Program, National Science Foundation, room 602, Washington DC 20550 (202–357–7958).

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6426 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Genetic Biology; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Genetic Biology.

Date and Time: Thursday, Friday, and Saturday April 16, 17, and 18, 1992. 8:30 to 5 p.m.

Place: The National Science Foundation, Washington, DC. room– 1242.

Type Meeting: Closed.

Contact Person: Martin Pato, Program Director, Genetics, room 325I Telephone: (202) 357–9687.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552B(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6434 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L.92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date & Time: April 6, 7, 8, 1992, 8:30 a.m. to 5 p.m.

Place: Hotel Washington, Pennsylvania Ave. at 15th Street, Washington, DC 20004.

Type of Meeting: Closed.

Contact Person: Drs. Ana M. Guzman and William E. McHenry, Program Directors, room 1225, National Science Foundation, Washington, DC 20550. Telephone: 202/357–5054.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Alliances for Minority Participation Program.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C.552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6417 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M#

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act, (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date and Time: April 15–17, 1992, 8:30 a.m. to 5 p.m.

Place: The Latham Hotel (formerly Georgetown Marbury) 3000 M Street NW., Washington, DC 20007–3701.

Type of Meeting: Closed.

Contact Person: Dr. Costello L. Brown, Program Director, room 1225, National Science Foundation, Washington, DC 20550. Telephone: (202) 357–7461.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Comprehensive Regional Centers for Minorities Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6433 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Industrial Science and Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science and Technological Innovation.

Date and Time: April 8, 1992; 8:30 a.m.–5 p.m.; April 9, 1992; 8:30 a.m.–12 noon.

Place: National Science Foundation, 1110 Vermont Avenue, rm. V500 A, Washington DC 20550

Type of Meeting: Open.

Contract Person: Ms. Carolyn J. Smith, Staff Associate, Division of Industrial Innovation Interface, room V–502, National Science Foundation, Washington, DC, 20550 (202) 653–5202.

Summary of Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning support of research programs administered in the Division.

Agenda:

April 8, 1992
8:30 a.m.–12:00 noon
Review & discussion of current III activities
Outlook for III for 1992
Budget for FY 1993
Restructuring of Program Initiatives
12:00 noon–1:30 p.m. Lunch
1:30 p.m.–5:00 p.m.
Future Directions for III
Engineering Directorate Initiatives
Dissussion of III/Engineering Interface Activities
Update/Discussion of Long Range Goals/ Objectives
April 9, 1992
8:30 a.m.–12:00 noon
Presentation of Committee of Visitors Report
Drafting of the Advisory Committee Recommendations.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92–6420 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Law and Social Science; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Law and Social Science.

Date and Time: April 24–25, 1992; 8:30 a.m. to 6 p.m.

Place: The Board Room at One Washington Circle Hotel, 1 Washington Circle, NW., Washington, DC 20037

Type of Meeting: Closed.

Contact Person: Dr. Michael C. Musheno, Program Director, Law and Social Science, National Science Foundation, room 336, Washington, D.C. 20550. Telephone: (202) 357–9567.

Purpose of Meeting: To provide advice and recommendations concerning support for research in law and social science.

Agenda: to review and evaluate research proposals as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552 b. (c)(4) and (6) the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6440 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research (DMR).

Date and Time: April 21, 1992; 7 p.m. to 9 p.m., April 22, 1992: 8 a.m. to 4 p.m.

Place: The Conference and Training Center at 1110 Vermont Avenue, NW., Marie Curie Room (room 500A), Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. W. Lance Haworth, Program Director, Materials Research Laboratories, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9791.

Purpose of Meeting: To provide advice and recommendations concerning support for Materials Research Laboratories.

Agenda: Examine proposals, reviewers' evaluations, and site visit reports, and make recommendations for new and renewal awards for Materials Research Laboratories in FY 1992 competition.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6436 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research.

Date and Time: April 13, 1992; 8:30 a.m. to 5:30 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact: Dr. H. Hollis Wickman, Program Director, 1800 G Street, NW., room 408, Washington, DC 20550 Telephone: (202) 357-9787.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to NSF for financial support.

Agenda: Review and evaluate Materials Synthesis and Processing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1922.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6428 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research.

Date and Time: April 13, 1992; 8:30 a.m. to 5 p.m.

Place: Room 500B, National Science Foundation, 1110 Vermont Avenue, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. G. Bruce Taggart, Program Director, 1800 G Street, NW., room 408, Washington, DC 20550 Tel: (202) 357-9787.

Purpose for Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate proposals received in response to proposal announcement NSF 91-7, Materials Synthesis and Processing.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of U.S.C. 552 b. (c) (4) and (6) the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6429 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub.L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date and Time: April 7, 1992; 8:30 a.m. to 5 p.m.

Place: Electric Power Research Institute (EPRI), 1019 19th Street, NW., Suite 1000 Washington, DC 20036.

Type of Meeting: Closed

Contact Person: Dr. Jorn Larsen-Basse, Program Director, 1800 G Street, NW., Room 1108, Washington, DC 20550, Telephone: (202) 357-9542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate NSF/EPRI proposals submitted to the Mechanical and Structural Systems.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 6422 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Ocean Sciences Review Panel; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Ocean Sciences Review Panel.

Date and Time: April 26-27; 8:30 a.m. to 5 p.m.

Place: St. James Hotel 950 24th St. NW., Washington, DC 20037, room 117.

Type of Meeting: Closed.

Contact Person: Dr. Linda Duguay, Associate Program Director, Biological Oceanography Program, National Science Foundation, 1800 G Street, NW., room 609, Washington, DC 20550, Telephone (202) 357-9600.

Purpose of Meeting: To provide advice and recommendations concerning financial support for Land-Margin Ecosystems research at the land-sea interface.

Agenda: Review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6441 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Social and Economic Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Social and Economic Sciences.

Date and Time: April 6, 1992; 8:30 a.m. to 5 p.m.

Place: NAF, rm. 336, 1800 G St., NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Lynn Pollnow, Program Director, Economics Program, room 336, NSF, Washington, DC 20550. Telephone: (202) 357-9675.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Social and Economic Sciences.

Agenda: To review and evaluate NSF Young Investigator nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6411 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social Psychology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Social Psychology.

Date & Time: April 15–17, 1992 9:00 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, NW., rm 523, Washington, DC 20550.

Type of Meeting: Part Open—Closed 4/15—9 a.m. to 5 p.m.; Closed 4/16—9 a.m. to 5 p.m.; Open 4/17—9 a.m. to 11 a.m.; Closed 4/17—11 a.m. to 5 p.m.

Contact Person: Dr. Jean B. Intermaggio, Program Director for Social Psychology, room 320, National Science Foundation, Washington, DC 20550; (202) 357–9485.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Social Psychology.

Agenda: Open—General discussion of the current status and future plans of the Social Psychology Program. *Closed*—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6430 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Sociology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.

Date/Time: Monday, April 6, 1992, 8:30 a.m. to 6 p.m.; Tuesday, April 7, 1992, 8:30 to 6 p.m.

Place: Room 536 at the National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Annemette Sφrensen, Program Director, Sociology, National Science Foundation, 1800 G Street, NW.; room 336, Washington, DC 20550, Telephone: 202/357–7802.

Purpose of Meeting: To provide advice and recommendations concerning research proposals in Sociology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals reviewed contain information of a proprietary or confidential nature, including technical information, financial data (such as salaries), and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of 5 U.S.C. 552b, Government in Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6418 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Proposal Review Panel for Undergraduate Science, Engineering, & Mathematics Education; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Proposal Review Panel for Undergraduate Science, Engineering, & Mathematics Education.

Dates & Times: April 9–10, 1992. 7:30 p.m.–9 p.m. April 9th 8 a.m.–5 p.m. April 10th 8 a.m.–4 p.m. April 11th

Location: Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Agenda: Review of proposals submitted to Calculus Program.

Contact Person: Dr. Jim Lightbourne, Program Director/USEME Division, (202) 357–7292, National Science Foundation, Washington, DC 20550.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6425 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72 issued to Florida Power Corporation (FPC) for operation, and FPC, et al. for possession, of Crystal River Unit 3 Nuclear Generating Station, located in Crystal River, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the operating license to delete Sebring Utilities Commission (Sebring) as a participating owner of CR–3 and as a licensee (possession only) under this license, in order to recognize the purchase of Sebring's 0.4473 percent ownership share by FPC. Presently, FPC owns 90% of CR–3, with portions of the remaining 10% owned by 11 municipalities and cooperatives, including Sebring. FPC alone is licensed to operate CR–3. FPC and Sebring have entered into an agreement under which FPC would purchase the 0.4473 percent share owned by Sebring, which would increase FPC's ownership share to 90.4473 percent. Ownership shares of the other 10 participants would not change. The proposed action is in accordance with the licensee's application dated August 16, 1991.

The Need for the Proposed Action

The proposed action is required to reflect the ownership change discussed above. The amendment reflecting the transfer of Sebring's possession-only interest in the license will have minimal impact on the operation of the facility by FPC. The transfer and amendment will not affect the facility's Technical Specifications, license conditions, or the organization and practices of FPC.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed license amendment and concludes that there will be no changes to CR–3 or the environment as a result of this action. The transfer of Sebring's possession-only interest in the license and the associated license amendment will not affect the numbers, qualifications, or organizational affiliation of the personnel who operate the facility, as FPC will remain the holder of the operating license and continue to be responsible for the operation of CR–3. Accordingly, the Commission concludes that this proposed action would result in no radiological or non-radiological environmental impact.

The Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination was published in the

Federal Register on February 5, 1992 (57 FR 4487). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in no benefits to the public or the parties involved.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant, issued in May, 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons regarding this environmental assessment.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing enviromental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applicant for the license amendment dated August 16, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32029.

Dated at Rockville, Maryland, this 12th day of March, 1992.

For The Nuclear Regulatory Commission.

Jan A. Norris,

Acting Director, Project Director II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6384 Filed 3-18-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 19, 1992, at the Sheraton Grand Hotel at Dallas Ft. Worth Airport, 2d Floor Mezzanine Level, 4440 West Carpenter Freeway, Irving, TX.

This meeting will be open to public attendance except for portions during which the qualifications of prospective candidates for appointment to the ACRS will be discussed. These portions will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

The agenda for the subject meeting shall be as follows:

Thursday, March 19, 1992—8:30 a.m. Until the Conclusion of Business

The Subcommittee will discuss proposed reassignment of responsibilities for review of NRC research activities to cognizant topical Subcommittees and preliminary plans to address ACRS assignments made during the meeting with NRC Commissioners on March 5, 1992. Qualifications of candidates proposed for consideration as ACRS members will also be discussed, as appropriate.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notifiy the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492-4516) between 7:30 a.m. and 4:15 p.m., e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 13, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92-6312 Filed 3-18-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Consideration of Issuance of an Order Authorizing Decommissioning a Facility and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order to the Sacramento Municipal Utility District (SMUD, the licensee), which holds Facility Operating License No. DRP-54 for the Rancho Seco Nuclear Generating Station (Rancho Seco) located in Sacramento County, California. The order would involve approval of the Rancho Seco Decommissioning plan and authorize decommissioning.

On June 7, 1989, Rancho Seco was permanently shut down. All spent fuel has been transferred from the reactor to the Spent Fuel Storage Pool and the Commission has authorized that License No. DRP-54 be amended to possess-but-not-operate status. This Order would approve the licensee's Decommissioning Plan which involves 10 to 20 years of onsite storage of residual radioactivity followed by its removal (SAFSTOR). The licensee also proposes to retain spent fuel onsite in an Independent Spent Fuel Storage Installation (ISFSI) until a Federal repository is available for spent fuel disposal The Decommissioning Plan analyzes the proposed monitoring, maintenance, and operation of the spent fuel pool; and the monitoring and maintenance of the remainder of the facility.

The Plan also analyzes potential accidents at the facility and the controls established for radiation protection and the prevention of the release of radioactivity from the site. A supplement to the Rancho Seco Environmental Report submitted by letter of October 21, 1991, analyzes the environmental impacts of the SAFSTOR decommissioning option.

Before issuance of the proposed order, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 20, 1992, the licensee may file a request for a hearing with respect to issuance of the order to the subject facility and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing

Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room, the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters with in the scope of the order under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A hearing for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Thomas A. Baxter, Esq., Shaw, Pittman, Potts, & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding office for the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application dated May 20, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Buildings 2120 L Street, NW., Washington, DC 20555, and at the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822.

Dated at Rockville, Maryland, this 12th day of March 1992.

Richard F. Dudley, Jr.,

Acting Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6385 Filed 3-18-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Units 1, 2, and 3; Withdrawal of an Amendment Request to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC) has approved the withdrawal of a Technical Specification (TS) amendment request by the Tennessee Valley Authority (TVA or the licensee) for an amendment to Facility Operating License Nos. DPR-33, DPR-52, and DPR-68, issued to the Browns Ferry Nuclear Plant, Units 1, 2, and 3, respectively. The plant is located in Limestone County, Alabama. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on January 24, 1984 (49 FR 2974).

The application being withdrawn was originally submitted by an amendment request dated March 4, 1982 as modified by letters dated September 3, 1982 and January 6, 1983. The licensee proposed to revise the Browns Ferry Technical Specifications to permit unit operation at reduced power with only a single recirculation loop in service. By letter dated January 24, 1992, the licensee withdrew its license amendment application.

For further details with respect to this action, see (1) the application for amendments dated March 4, 1982 as modified by letters dated September 3, 1982 and January 6, 1983, and (2) the licensee's letter dated January 24, 1992.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the

Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland this 12th day of March 1992.

For the Nuclear Regulatory Commission.

Thierry M. Ross,

Senior Project Manager, Project Directorate II-4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6386 Filed 3-18-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy; Procurement Regulatory Activity Report; Availability

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Notice of availability of the Procurement Regulatory Activity Report, Number 6.

SUMMARY: Subsections 25(g) (1) and (2) of the Office of Federal Procurement Policy (OFPP) Act, as amended by Public Law 100-679, codified at 41 U.S.C. 421(g), require the Administrator for Federal Procurement Policy to publish a report within six months after the date of enactment and every six months thereafter relating to the development of procurement regulations.

Accordingly, OFPP has prepared the sixth Procurement Regulatory Activity Report. This report is designed to satisfy all aspects of subsections 25(g) (1) and (2) of the OFPP Act, and includes information on: The status of each regulation; a description of those regulations required by statute; a description of the methods by which public comment was sought; regulations, policies, procedures, and forms under review by the OFPP; whether the regulations have paperwork requirements; the progress made in promulgating and implementing the Federal Acquisition Regulation; and such other matters as the Administrator determines to be useful.

ADDRESSES: Those persons interested in obtaining a copy of the Procurement Regulatory Activity Report may contact the Executive Office of the President Publications Service, room 2200, 725 17th Street NW., Washington, DC 20503, or phone (202) 395-7332.

Dated: March 13, 1992.

Allan V. Burman,

Administrator.

[FR Doc. 92-6324 Filed 3-18-92; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Request for Extension of OPM Forms 1203 and 1280 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S. Code, chapter 35), this notice announces a proposed unchanged extension of a form which collects information from the public. OPM Form 1203, Occupational Supplement Series—Form B, and OPM Form 1280, Applicant Data Sheet, are optical scan and key entry documents, respectively. These forms are used by our automated processing center to create basic applicant records for an automated examining system. We will be using these forms to carry out our responsibility for open competitive examining for admission to the competitive service in accordance with section 3304, 5 U.S.C. Approximately 468,438 forms are completed each year with an average completion time of 27 minutes per form, for a total burden of 211,432 hours. For copies of this proposal, call C. Ronald Trueworthy on (703) 908-8550.

DATES: Comments on this proposal should be recieved on or before April 20, 1992.

ADDRESSES: Send or deliver comments to:

C. Ronald Trueworthy, Agency Clearance Officer, U.S. Office of Personnel Management, room CHP 500, 1900 E Street, NW., Washington, DC 20415 and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Armond A. Grant, (202) 606-0980.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-6285 Filed 3-18-92; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30448; File No. SR-CBOE-92-06]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Exchange Decorum Policies

March 6, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE hereby amends rule 17.50(g)(6), Violations of Trading Conduct and Decorum Policies, to include fines for smoking in unauthorized areas of the Exchange. The proposal also amends the Regulatory Circular concerning trading conduct and decorum policies to provide for the imposition of fines for smoking in unauthorized areas. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the placed specified in Item IV below. The CBOE has prepared summaries, set for in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

On March 2, 1992, the Exchange instituted a smoke-free environment policy. The purpose of this filing is to include fines for violations of the policy under rule 17.50(g)(6), Violations of Trading Conduct and Decorum Policies. For smoking in unauthorized areas, members and persons associated with members will be fined $50 for the first offense, $250 for the second offense, and $500 for each subsequent offense within a calendar year. This fine schedule is the same as that imposed for violations of the CBOE Dress Code.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b) (6) and (7), in particular, in that it is designed to provide for the fair and appropriate disciplining of members and persons associated with members for violation of Exchange policy.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change with impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change constitutes a stated policy, practice or interpretation with regard to the administration of an existing CBOE rule, the foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commision that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–92–06 and should be submitted by April 9, 1992.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6326 Filed 3–18–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30477; International Series Release No. 372; File No. SR–ISCC–92–01]

Self-Regulatory Organizations; International Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Concerning Revised Service Fees

March 12, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 27, 1992, the International Securities Clearing Corporation ("ISCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISCC is filing the proposed rule change to revise its fee schedule in accord with its estimated 1992 service costs. The revised fee schedule is set forth as Exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ISCC has prepared summaries, set forth in section (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The proposed rule change consists of a revised fee schedule which reflects three categories of fees: Instruction Processing, Reporting, and Pass Through fees. These fees will enable ISCC to recover from members the cost of providing the various services to members.

Instruction processing fees have been divided into 3 categories: Receipt of instructions from a member or self-regulatory organization (such as the National Association of Securities Dealers), rejection of instructions for failure to meet edit criteria, and processing of instructions. Each of the fees is based on the expense incurred by ISCC in processing these transactions and results from operation of the communication and mainframe facilities and clerical intervention for participant servicing.

The reporting fees reflect the costs associated with providing information to members which results from their use of a service. The cost is based on the method of receipt, *i.e.*, MRO, print image, or hard copy.

In order to more accurately capture membership costs associated with providing different services, the membership fee is being changed and will be based on the number of services used by a member. The minimum charge will be $100 per month and the maximum charge $300 per month.

A new fee, designed to recover expenses incurred by ISCC in developing the Global Clearance Network service, is being added. The collection of this fee, which members agree to in signing on for the service, will be based on the number of transactions submitted by each member.

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[1] 17 CFR 200.30–3(a)(12) (1986).

[1] 15 U.S.C. 78s(b)(1).

If a member submits instructions in excess of his committed amount he will be billed for the excess transactions. However, at year end that member will receive a rebate equal to the excess fees collected over the course of the year. This fee will be charged to members until such time as the development expenses have been recovered.

The new fees are effective as of March 1, 1992, and will be reflected on the bills produced in April, 1992.

(b) The proposed rule change is consistent with Section 17A of the Act and the rules and regulations thereunder since it will provide for the equitable allocation of reasonable fees among members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

ISCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written commens have been solicited or received. ISCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of this rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room at the address above. Copies of such filing will also be available for inspection and copying at the principal office of ISCC. All submissions should refer to the File Number SR–ISCC–92–01 and should be submitted by April 7, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H McFarland,

Deputy Secretary.

EXHIBIT A—INTERNATIONAL SECURITIES CLEARING CORPORATION; FEE STRUCTURE

I. Instruction Processing Fees	
A. Receipt of transaction instructions from a participant (per item)	
1. Via CPU/CPU or P.C. Platform	1.50
2. Via Telex, Mail, Fax	3.00
B. Receipt of transaction instructions from an interfacing SR (per item)	.50
C. Rejects—each instruction submitted resulting in a rejection	.75
D. Processing of Accepted Instructions	
1. London Stock Exchange—each matched bargain	3.50
2. Cedel—forwarding of instruction	.75
3. Global Clearance Network—forwarding of instruction to agent bank	.75
4. PORTAL	
(a) instruction sent to foreign financial institution	.75
(b) instruction sent to DTC for IID system processing	.50
II. Reporting Fees	
A. Receipt of Reports—fee charged each day a participant is sent a set of reports per service, per location, based on the method of distribution	
1. Machine Readable Output (MRO)	5.00
2. Print Image Output	10.00
3. Hardcopy, telex, mail	25.00
B. Duplicate Copy of Prior Day Reports per request, per set of reports, per service	25.00
III. Pass Through and Other Fees	
A. Participant Fee (per service with a maximum of $300 per month/per member)	100.00

[2] 17 C.F.R § 200.30–3(a)(12).

EXHIBIT A—INTERNATIONAL SECURITIES CLEARING CORPORATION; FEE STRUCTURE—Continued

B. Pass-Through Expense	
1. Communications—the cost of communications services requested by participants	At Cost
2. Other Direct Expenses incurred by ISCC or billed to ISCC by other financial institutions	At Cost
3. Miscellaneous expenses incurred on behalf of a member at a member's request	At Cost
C. Recovery of Development Expenses*	
1. Recovery of GCN development expense, per instruction submitted for processing	1.75
D. P.C. Access/Hunt group Fee (monthly) per access line	125.00

*Fees billed in excess of planned recovery schedule will be debated on an annual basis.

Collection Charge

The Corporation may, but shall not be obligated, to include from time to time on Members' settlement statements, charges which may be imposed on such Members by banks and trust companies in conjunction with the Global Clearance Network Service. Any amounts so collected shall, in accordance with agreements between the Corporation and the respective organization or entity, be remitted to the appropriate organization or entity imposing the charge.

[FR Doc. 92–6328 Filed 3–18–92; 8:45am]

BILLING CODE 8010–01–M

[Release No. 34–30470; File No. SR–ICC–92–01]

Self-Regulatory Organizations; the Intermarket Clearing Corporation; Notice of Proposed Rule Change Relating to Revisions to the Standard Form of Letter of Credit

March 12, 1992

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1992, The Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies certain terms of ICC's standard form of letter of credit. In general, the proposed rule change would require that letters of credit deposited by Clearing Members as margin with ICC must be irrevocable and, unless otherwise agreed, must expire on a quarterly basis. In addition, the proposed rule change would clarify that ICC may draw upon a letter of credit whether or not the Clearing Member that deposited such letter of credit has defaulted on any obligation to ICC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ICC proposes to amend rule 502(a)(3) in a number of respects. First, rule 502(a)(3) currently provides that the issuer of a letter of credit must pay ICC immediately upon demand. However, under the Uniform Commercial Code as enacted in most states, the issuer of a letter of credit, except as otherwise agreed, may defer honor of such letter of credit until the close of the third business day after demand for payment is made.[1] The Uniform Customs and Practice for Documentary Credits, 1983 Revision, International Chamber of Commerce Publication 400 ("Uniform Customs") provides that, unless otherwise expressly agreed, a "bank shall have a reasonable time" in which to determine whether the drawing documents are in order. In order to avoid any ambiguity as to the latest time for payment in the case of letters of credit incorporating the Uniform Customs, ICC intends to require that letters of credit state expressly that payment must be made prior to the close of the third banking day following demand.

Second, rule 502(a)(3) currently permits the issuer of a letter of credit to revoke the letter of credit upon two business days written notice. ICC believes that the issuer of a letter of credit is more likely to exercise its revocation rights at a time when the Clearing Member for whom such letter is issued is experiencing financial difficulty. Accordingly, ICC believes that the two-day notice period imposes time constraints that may limit its flexibility in resolving such difficulties. As a result, ICC proposes to amend rule 502(a)(3) to eliminate the issuer's right to revoke the letter of credit.[2]

Third, rule 502(a)(3) provides that letters of credit shall expire on an annual basis. However, the financial condition of a Clearing Member may change significantly within a shorter period of time. Thus, ICC believes that it would be preferable to structure its letter of credit program in such a manner that permits issuers to make more frequent credit judgements about Clearing Members for whom they issue letters of credit. Accordingly, ICC's proposal requires letters of credit deposited as margin to expire on a quarterly basis rather than on an annual basis.

In addition, ICC proposes to amend rule 502(a)(3) to make explicit ICC's authority to draw upon a letter of credit at any time ICC determines that such draw is advisable to protect ICC, other Clearing Members, or the general public. Such draw may be made whether or not the Clearing Member that deposited the letter of credit has been suspended or is in default with respect to any obligation to ICC. Any funds so drawn will be treated as cash margin. The authority permits ICC, in effect, to increase the liquidity of its margin deposits by substituting cash collateral for a Clearing Member's letter of credit. In doing so, ICC also would eliminate its bank credit risk. ICC anticipates that it would use this authority very rarely and only under unusual circumstances.

Finally, ICC proposes to amend rule 502(a)(3) to allow the Chairman of ICC limited discretion to vary from the requirements stated in the rule. The discretion is limited by the following factors. First, the Chairman cannot use this discretion unless the Chairman consults with the staff of its regulatory agencies which include the Securities and Exchange Commission and the Commodity Futures Trading Commission. Second, the discretion can only be used for "unusual circumstances" and only on a temporary basis. Third, the Chairman, after exercising such discretion, will advise ICC's Board of Directors of the exercise of such discretion. Finally, the Corporation will provide notice within an appropriate period of time to any Clearing Member affected by the exercise of such discretion.

ICC believes that the proposed rule change is consistent with the requirements of section 17A of the Act. Specifically, ICC believes that proposed rule change promotes the protection of investors by enhancing ICC's ability to safeguard the securities and funds in its possession or subject to its control.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe that the proposed rule change will have an adverse impact upon competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the

[1] See, *e.g.*, 26 Ill. Rev. Stat. 5–112 (1990).

[2] Although ICC's proposal would require a letter of credit deposited on behalf of a Clearing Member to be irrevocable, ICC may, of course, consent to the withdrawal of such letter of credit if the Clearing Member deposits other forms of margin with ICC or the letter of credit is otherwise no longer needed to satisfy the Clearing Member's margin requirement.

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File Number SR-ICC-92-01 and should be submitted by April 19, 1992.

For the Commission by the Division of Market Regulation, Pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6327 Filed 3-18-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30456; File No. SR-PSE-92-08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Designating PSE Technology Index Options as European-Style Options

March 10, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 12, 1992, the Pacific Stock Exchange ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend PSE rules 7.1 and 7.5 to permit options on the PSE Technology Index to be exercised in the same manner as other European-style index options.[1] In addition, for clarification purposes, the PSE proposes to add four entries to the list of definitions contained in the PSE rules on index options. These definitions clarify the meaning of "European-style" and "American-style" options.

The text of the proposed rule change is available at the Office of the Secretary, PSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed changes to the PSE rules on index options are intended to permit options on the PSE Technology Index to be exercised in the same manner as other European-style index options. In addition, for clarification purposes, the PSE proposes to add four entries to its list of definitions contained in the PSE rules on index options. These entries provide the definition for "European-style options" and "American-style options." Under the proposal, European-style options will be defined as option contracts that can be exercised only on the last business day prior to the day it expires. American-style options will be defined as options contracts that can be exercised on any business day prior to expiration.

The PSE believes that the proposed rule changes are consistent with section 6(b)(5) of the Securities Act in that they will promote just and equitable principles of trade, will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PSE believes that the proposed rule change will not impose an inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 9, 1992.

[1] The Commission notes that the PSE has not begun trading options on the Technology Index.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6329 Filed 3-18-92; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2553]

Declaration of Disaster Loan Area; CA

As a result of the President's major disaster declaration on February 25, 1992, I find that the counties of Kern, Los Angeles, Orange, San Bernardino, and Ventura in the State of California constitute a disaster area as a result of damages caused by severe rainstorms, snowstorms, winds, flooding, and mudslides beginning on February 10 and continuing through February 18, 1992. Applications for loans for physical damage may be filed until the close of business on April 27, 1992, and for loans for economic injury until the close of business on November 25, 1992, at: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795; or other locally announced locations. In addition, applications for economic injury loans for small businesses located in the contiguous counties of Inyo, Kings, Monterey, Riverside, San Diego, San Luis Obispo, Santa Barbara, and Tulare in the State of California; Clark County in the State of Nevada; and La Paz and Mohave Counties in the State of Arizona may be filed until the specified date at the above location.

The interest rates are:

For Physical Damage:	
Homeowners with Credit Available Elsewhere	8.000%
Homeownders without Credit Available Elsewhere	4.000%
Businesses with Credit Available Elsewhere	6.500%
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000%
Others (including Non-Profit Organizations) with Credit Available Elsewhere	8.500%
For Economic Injury:	
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000%

The number assigned to this disaster for physical damage is 255306 and for economic injury the numbers are 756900 for California; 757000 for Nevada; and 757100 for Arizona.

Notice: Due to SBA's present shortage of operating funds for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of our ability to continue to accept or process disaster loan applications or make disbursements on loans until additional funds are available,

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: February 29, 1992.

Bernark Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-6404 Filed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

Notice of Shortage of Operating Funds for a Disaster in New York

As a result of the Secretary of Agriculture's disaster designation S-272 for counties in the State of New York, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 12, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-6405 Filed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

Notice of Shortage of Operating Funds for a Disaster in Texas

As a result of the Secretary of Agriculture's disaster designation S-573 for counties in the State of Texas and contiguous counties in the States of New Mexico and Oklahoma, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 12, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-6406 Failed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0217]

White Pines Capital Corp.; Issuance of a Small Business Investment Company License

On November 22, 1991, a notice was published in the **Federal Register** (Vol. 56, No. 226, Page 58956) stating that an application has been filed by White Pines Capital Corporation, Ann Arbor, Michigan, with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1991)) for a license as a small business investment company.

Interested parties were given until close of business December 23, 1991, to submit comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0271 on February 25 1992, to White Pines Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 6, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-6407 Filed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

[2] 17 CFR 200.30-3(a)(12) (1991).

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, Sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Var fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6148 Filed 3-18-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice; Ezeiza International Airport, Buenos Aires, Argentina

Pursuant to section 1115(d) of the Federal Aviation Act; on November 22, 1991, former Secretary Skinner notified the government of Argentina that he had determined that Ezeiza International Airport, Buenos Aires, Argentina, did not maintain and administer effective security measures. The designated period of time given the government of Argentina has elapsed since his determination, and I have found that Ezeiza International Airport still does not maintain and administer effective security measures. My determination is based on Federal Aviation Administration assessments which reveal that security measures used at the airport do not meet the standards established by the International Civil Aviation Organization.

Pursuant to section 1115 of the Federal Aviation Act. (49 U.S.C. 1515), I have directed that a copy of this notice be published in the **Federal Register**, that my determination be displayed prominently in all U.S. airports regularly being served by scheduled air carrier operations, and that the news media be notified of my determination. In addition, as a result of this determination, all U.S. air carriers and foreign air carriers (and their agents) providing service between the United States and Ezeiza International Airport must provide notice of my determination to any passenger purchasing a ticket for transportation between the United States and Buenos Aires, with such notice to be made by written material included on or with such ticket.

Dated: March 12, 1992.

Andrew H. Card, Jr.,

Secretary.

[FR Doc. 92-6322 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-92-8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 8, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 13, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 26658.
Petitioner: Fox Valley Technical College.
Sections of the FAR Affected: 14 CFR 147.36.
Description of Relief Sought: To allow Fox Valley Technical College to have specialized instructors, who are not certificated mechanics, to teach Basic Electricity and Basic Welding Subjects.

Dispositions of Petitions

Docket No.: 100CE.
Petitioner: Beech Aircraft Corporation.
Sections of the FAR Affected: 14 CFR 23.473(c) and 23.1001.
Description of Relief Sought/Disposition: To allow the petitioner to modify the type certificate for its model 2000 airplane to permit a landing weight less than 95 percent of the maximum takeoff weight without installing a fuel jettisoning system. Grant, February 27, 1992, Exemption No. 5411.

Docket No.: 13199.
Petitioner: American Airlines.
Sections of the FAR Affected: 14 CFR 61.56(b)(1), 61.57 (c) and (d); 61.58 (c)(1) and (d); 61.63(d) (2) and (3); 61.67(d)(2); 61.157 (d) (1) and (2) and (e) (1) and (2); appendix A of part 61; and appendix H of part 121.
Description of Relief Sought/Disposition: To renew Exemption No. 4652B which permits American Airlines to establish training programs using FAA-approved simulators to meet certain pilot training and certification requirements of §§ 61.56(b)(1), 61.57 (c) and (d); 61.58 (c)(1) and (d); 61.63(d) (2) and (3); 61.67(d)(2); 61.157 (d) (1) and (2) and (e) (1) and (2); appendix A of part 61; and appendix H of part 121 of the FAR. Grant, March 5, 1992, Exemption No. 4652C.

Docket No.: 26326.
Petitioner: T.B.M., Inc.

Sections of the FAR Affected: 14 CFR 91.611.
Description of Relief Sought/ Disposition: To allow the pilots of T.B.M., Inc., and Butler Aircraft, Inc., to take off in a Lockheed C130A aircraft with one engine inoperative and to fly the aircraft to a maintenance base for repairs without obtaining a special flight permit. Denial, March 5, 1992, Exemption No. 5415.

Docket No.: 26329.
Petitioner: Braniff International Airlines, Inc.
Sections of the FAR Affected: 14 CFR appendix H to part 121.
Description of Relief Sought/ Disposition: To permit the 1 year instructor employment requirement of the appendix H, Advanced Simulator Training Program (ASTP) to be acquired with either Braniff or another part 121 certificate holder. Grant, March 9, 1992, Exemption No. 5412.

Docket No.: 26398.
Petitioner: AMR Eagle, Inc.
Sections of the FAR Affected: 14 CFR 135.63(a)(4) and subparts E, G, and H of part 135.
Description of Relief Sought/ Disposition: To permit AMR Eagle, Inc., to train and check its pilots under §§ 121.681, 121.683 and all sections of subparts N and O, and appendices E, F and H of part 121 of the FAR. Grant, March 9, 1992, Exemption No. 5414.

Docket No.: 26661.
Petitioner: McDonnell Douglas Corporation.
Sections of the Far Affected: 14 CFR 25.813(e).
Description of Relief Sought/ Disposition: To permit installation of a door between passenger compartments on the MD–11 airplane. Grant, February 11, 1992, Exemption No. 5405.

[FR Doc. 92–6358 Filed 3–18–92; 8:45 am]
BILLING CODE 4910–13–M

Solicitation for Airway Science Grant Proposals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of solicitation for Airway Science grant proposals.

SUMMARY: This solicitation represents a continuation of the Federal Aviation Administration's AWS Grant Program. The Federal Aviation Administration (FAA) is authorized by Public Laws 101–516 and 102–143 to solicit competitive proposals for Airway Science (AWS) grants from accredited 4-year public or nonprofit private colleges and universities with recognized FAA AWS Curriculum programs. The FAA expects to award most, if not all, of an available $5,036,384 in the form of grants, to a select number of these recognized institutions. A portion of the available funds will be awarded to eligible minority institutions with recognized AWS curricula. Awards typically will range from $100,000 to a maximum of $300,000. In no event shall the total Federal share of any AWS project exceed 50% of the cost of the project.

The grant funds may be used for the purchase, lease with intent to purchase, or construction of academic buildings and associated facilities to be used in support of an FAA recognized AWS curriculum. In addition, grants funds may be used for unexpendable instructional materials or instructional equipment to be used in the actual teaching of the AWS curriculum. No federal grant funds shall be used for salaries, operating expenses, research and development, travel, consultant fees, indirect costs, office supplies or other expendable items, automobiles, aircraft, maintenance agreements, printing costs, promotional and marketing materials or equipment, general purpose parking lots, land, commercial airport facilities, taxiways, runways, or any project in support of a commercial activity.

FOR FURTHER INFORMATION CONTACT: Virginia Hancock Krohn, Manager, Airway Science Grant Program, Federal Aviation Administration, Office of Training and Higher Educatiuon, AHT–30, room PL–100, 400 7th St. SW., Washington, DC 20590, Telephone: (202) 366–7003.

CLOSING DATE: Six identical copies of the Proposal must be received by the FAA no later than June 30, 1992 (4 p.m. e.s.t.). One copy of the proposal must contain original signatures on the cover sheet. Applications received after the closing date will not be accepted.

Proposals submitted by Mail: A mailed proposal must be sent to the address listed above. Applicants are strongly encouraged to use registered or first class mail. Any grant application received after 4 p.m. on the closing date will be treated as a late application and will not be considered for a grant award. Proposals Submitted By Messengers: A hand delivered proposal must be taken to the FAA at the address listed above. The office of the AWS Grant Program Manager will accept hand delivered proposals between the hours of 8 a.m. and 4 p.m. e.s.t., except weekends and Federal Holidays. A hand delivered proposal will not be accepted after 4 p.m. on the closing date.

Each institution will be notified when its application is received. No supplemental materials received after 4 p.m. on the application deadline date will be considered unless such material is requested by the FAA.

Background

The FAA is engaged in a comprehensive program to modernize the Nation's airway system to meet the challenge of aviation growth in the coming decades. The modernization program takes advantage of current technological advances to increase the capacity of the Nation's airway system while reducing relative costs to the Nation's taxpayers.

The FAA recognizes the increasing complexity of technical and mangerial skills that will be needed to accommodate the technological advances in equipment, systems, and configurations being planned and implemented throughout the aviation industry. The FAA sponsors the AWS curriculum to assure that future aviation work force needs are adequately met.

In 1982, the FAA, in collaboration with the University Aviation Association, developed and recommended a specific college-level AWS curriculum. The AWS curriculum was designed (1) to satisfy academic and accreditation requirements, (2) to easily adapt to existing aviation related programs, and (3) to allow individual educational institutions the option of offering any of five areas of concentration.

The five areas of concentration of the AWS curriculum are: (1) Airway science management, (2) airway computer science, (3) aircraft systems management, (4) airway electronics systems, and (5) aviation maintenance mangement.

The FAA currently recognizes 50 institutions which offer approved AWS curricula. The AWS curriculum directly supports the human resource needs of both the FAA and the aviation industry by producing graduates with the necessary knowledge and skills to pursue aviation-related technical careers in the public and private sectors. Interested institutions which do not already offer recognized AWS curricula, may contact the FAA for further information.

References

For futher background information, refer to the following Federal Register Notices: 48 FR 116872, March 18. 1983,

(FAA proposed AWS curriculum demonstration project plan), 48 FR 32490, July 15, 1983, (Office of Personnel Management approval of the FAA demonstration final plan), 49 FR 222903, June 1, 1984, 50 FR 37612, September 16, 1985, 52 FR 3195, February 2, 1987, 54 FR 8617, March 1, 1989, and 56 FR 22504, May 15, 1991, (notices announcing the competitive criteria employed by the FAA in selecting the AWS grant recipients under the previous 5 solicitations).

The Airway Science Grant

Authority

This solicitation represents a continuation of the FAA's AWS Grant Program. This program funds projects at selected institutions of higher education which have evidenced a commitment to the agency's AWS curriculum program. The grants are authorized by Public Laws 101–516 and 102–143 with a total amount of $5,036,384 available for competitive grant awards. The funds may be used for allowable direct costs in the following categories, to the extent that such items are in direct support of aviation and/or computer courses in the required core or area of concentration of an institution's recognized AWS curriculum option(s): (a) The purchase, lease with intent to purchase, or construction of academic buildings and associated facilities, and (b) nonexpendable instructional materials and equipment to be used in the actual teaching of the AWS curriculum. Monies are not available for salaries, operating costs, research and development, travel, consultant fees, indirect costs, office supplies or other nonexpendable equipment, automobiles, aircraft, maintenance agreements, printing and marketing materials or equipment, general purpose parking lots, land, commercial airport facilities, taxiways, runways, or any project in support of commercial activities.

Eligibility

Eligible institutions must be accredited 4-year public and non-profit colleges and universities in the United States and its possessions. To be eligible, an applicant institution must have an established FAA-recognized AWS curriculum in place and available to students. The curriculum must have been recognized by the FAA no later than December 31, 1991.

Proposal Format and Content

Each FAA-sponsored, AWS grant project is subject to the provisions of applicable FAA regulations and OMB Circulars A–21, A–73, A–88, A–110, and A–133. Proposals must contain the following information in the order listed.

1. Cover Sheet

Type the title "Airway Science Grant Proposal" near the top of the Cover Sheet. Type the legal name of the proposed grantee institution, its mailing address, and IRS Employer Identification Number in the center of the Cover Sheet. Type the names, titles, telephone numbers and FAX numbers of the proposed Project Director and of an official authorized to sign for the proposed grantee institution in the lower left and right corners, respectively, of the Cover Sheet. The Cover Sheet of one copy of the proposal must bear the original signatures of the above individuals and dates of signatures. The signatures of the authorized individuals signify institutional requirements, and a commitment to provide the specific support, including fiscal obligations, for the proposed activities in the event the grant is made.

2. Standard Form 424

Submit the standard forms listed below with each grant application. These forms may be obtained by writing to the AWS Grant Program Manager at the address listed above. Applications without these forms will be disqualified.

(1) Standard Form 424 (Rev. 4–88), Application for Federal Assistance,

(2) FAA/AWS, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.

3. Table of Contents

Include a table of contents with page numbers.

4. Project Summary

Include a concise summary of the proposed project. State the goals and objectives and the long-range benefits of the project and the associated costs including cost sharing figures. The reader should be able to quickly identify the nature of the project and the requested funding level. The summary should not exceed two (2) double-spaced typewritten pages.

5. Narrative

The Narrative should be clearly written and not exceed forty (40) double-spaced typewritten pages in length. The Narrative must contain the following:

(a) Introduction

Present a brief description of the institution, including: historical background, full time graduate and undergraduate student enrollment, student body profile, location (rural, urban, etc.), fields of emphasis and degrees awarded.

(b) AWS Background

Describe the evolution of the institution's involvement in the AWS Program. Provide a detailed discussion of the institution's current recognized AWS program. Provide information and statistics on the occupational areas AWS graduates and current AWS students have entered or will be entering within the aviation industry and the FAA. Provide the following information in an "easy to read" chart format (a) recognized AWS curriculum options, (b) recognition dates by curriculum option, (c) declared majors by AWS option for current academic year in categories of minority, female, others, and total, (d) expected AWS enrollment figures by option for next five years, (e) number of degrees awarded by AWS option, (f) number of degrees expected to be awarded by AWS option for the next five years. (This information may be presented in several different charts).

Describe the institution's aviation degree options other than AWS and discuss how they interface with the AWS program. Provide a chart(s) for the institution's other aviation degree options which contain the same information requested for AWS Program as explained above.

Include an institutional organization chart to show how the AWS Program and other aviation programs fit into the institutional structure.

Describe institutional activities to recruit AWS and other aviation students, including minority and female recruitment activities. Describe annual recruitment expenditures for both AWS and other aviation majors.

Submit one copy of an official course catalog and/or other brochure(s) showing the AWS course offerings to students during the 1991–1992 academic year. Institutions which do not submit the above information will be disqualified.

(c) Strategic Plan

Present a 5-year Stategic Plan for the institution's AWS Program. Discuss the components of the plan and how the institution anticipates achieving the goals and objectives of the Strategic Plan. Justify the feasibility of the plan in relation to the projected work force needs of the aviation industry and FAA, over-all direction of the institution, fiscal concerns, etc.

(d) Project Plan

Discuss in detail the proposed Project Plan with stated goals and objectives. Relate the project plan to the Strategic Plan.

Explain how the project will directly support the aviation and/or computer courses in the required core and the areas of concentration of an institution's recognized AWS curriculum options. Explain whether the project will enhance current recognized AWS courses or, rather, provide for the development of new AWS courses to be included in the institution's recognized AWS option(s) within the curriculum guidelines. Provide a similar discussion for other aviation programs.

Note: Development of new AWS courses refers to courses to be included in an existing recognized AWS curriculum option. It does not include courses for the development of a new curriculum option to be submitted for recognition at a future date.

Applicants may submit photographs, architectural drawings, site plans, or other visual representation that would aid the reviewing panel in assessing the relative merits of the proposed project.

Explain how AWS students and other aviation majors, respectively, will directly or indirectly benefit from the project. Provide a chart indicating the number of students who will benefit from the grant project by AWS option and other aviation degree options over the next five years.

Present a detailed discussion from project design to conclusion on the components of the Project Plan and the activities and tasks necessary to bring the project to a successful conclusion. The project is completed when the measurements discussed under the Evaluation Plan have been applied and analyzed. This should occur within 12 months of the time the facility and/or equipment becomes available to students. Provide a milestone chart for the project.

Identify the sources of non-Federal funding and show evidence that the funds will be available, i.e., provide a letter of commitment for funds which will be given to the institution by an outside source. Institutions will be held accountable for all cost sharing funds.

Describe and explain the mechanism that will be used to manage and monitor the progress of the project in terms of the milestones and budget expenditures.

(e) Project Personnel Plan

Identify and describe the relevant skills of those individuals who will have major responsibilities for the proposed project. Include a discussion of their relevant skills in terms of the project and the amount of time each person will be required to devote to the project. Discuss the role of the Project Director. Provide information indicating the director has appropriate qualifications, well defined responsibilities, sufficient time, and adequate academic and institutional authority and support to effectively manage the project.

Discuss the number and qualifications of faculty necessary to adequately utilize the funded facility/equipment in teaching of AWS courses after conclusion of project. Demonstrate institutional commitment to provide necessary faculty positions. Indicate if personnel are current faculty members or must be hired. If the latter, provide a discussion of planned activities to staff the position(s).

(f) Budget Plan

The proposal must contain a Budget Plan that includes a detailed itemization of proposed expenditures for direct costs associated with the project according to the following categories:

Item	Fed $	Percentage	Non-Fed $	Percentage	Total
(a) Facilities					
(1) Construction					
(2) Renovation					
(3) Stationary equipment					
(b) Equipment					
(1) Flight					
(2) Air Traffic Control					
(3) Electronics					
(4) Maintenance					
(5) Computers					
(6) Meteorology					
(7) Office equipment					
(8) Classroom equipment					
(9) Distance Learning					
(10) Resource materials					
(c) Travel [1]					
(d) Consultant services [1]					
(e) Salaries [1]					
(f) Other direct costs [1]					
Total					

[1] Costs directly related to grant project, though not qualified for Federal funding.

Each category must contain line item entries of allowable costs and be subtotalled. (See OMB Circular A–21 for discussion of allowable costs). The line item entries must be allocated appropriately between Federal and non-Federal funding. FAA grant funds may only be dedicated to categories "a" and "b". Cost sharing funds include allowable grant project costs (categories "a" thru "f") which are incurred by the institution, funds donated by an outside source, or the value of in-kind contributions. Federal costs may not occur prior to the official award of the grant. Nonfederal funds may occur from the planning stages through the evaluation period but do not include operating costs, faculty teaching costs, or the development time for an institution's grant application. In no event shall the total Federal grant funds provided for an AWS project exceed 50% of the total allowable cost of the project. A sample itemized budget is available from the AWS Grant Program Manager upon request. Budgets which do not include an itemization of expenditures will be disqualified. Budgets which include construction activities with a general cost per square foot will be disqualified.

(g) Institutional Need

Provide a detailed justification for the requested grant funding in terms of

financial need. Discuss the consequences of not funding the proposed project. Explain and identify the funding sources and levels which support the institution's current AWS Program. Illustrate the amount of incoming funds over the past three years which have been dedicated to the institution's AWS Program. Provide the same information for funds dedicated to the institution's other aviation programs. Include a discussion of FAA sponsored AWS grants previously awarded to the institution including funding level, project, date of award, and status.

(h) Evaluation/Assessment Plan

Provide a project Evaluation/Assessment Plan. The plan must include a strategy and measurement component for each goal and objective of the grant project. The actual evaluation/assessment may be performed by the institution's staff or in collaboration with outside consultants within 12 months of the time the project facility and/or equipment is available to students. The results of the completed evaluation/assessment will determine whether the goals and objectives of the project have been achieved and the impact of the project upon the AWS program at the institution. These results shall be submitted to the FAA as part of the final project report.

(6) Local Review Statement

Attach a statement, signed by an appropriate official of the institution, that contains: (a) an endorsement of the proposed project; (b) a description of how the proposed project supports the institution's long range goals and objectives in AWS; and (c) a commitment to provide the institutional resources necessary to meet cost sharing obligations, complete the proposed project, maintain the facilities and equipment to an acceptable standard, and continue financial support for the AWS Curriculum Program after the grant funds have been expended.

Reporting Requirements

Until the proposed project is completed, the FAA requires that each award institution prepare an Annual Project Report, not to exceed twenty (20) double-spaced typewritten pages in length. The Annual Project Report shall be submitted to the FAA within 90 days of the close of each institution's fiscal year. The report should include a summary of project progress, highlights and accomplishments, personnel changes and a status report on expenditures and account balances for each of the line items presented in the proposed Budget Plan.

In addition, a Final Project Report must be submitted to the FAA within 90 days of the project completion. The Final Project Report shall include summaries of project activities, accomplishments, outcomes of the implemented Evaluation Plan, and Budget Plan expenditures. The FAA anticipates that FAA representatives will make site visits to each grant institution during the lifetime of the project.

Proposal Review

Proposals will be reviewed, evaluated, and ranked against the evaluation criteria by a panel of educational and aviation specialists from the public and private sectors, including: academia private industry and/or the Federal Government. This review will be used by the FAA in the selection of applicants for grant awards.

For purposes of review, all proposals received by the FAA will be placed into one of two competitive classes: (1) Minority institutions (see June 1, 1984, 49 FR 22903) and (2) majority institutions. Grant awards will be made on a competitive basis within each competitive class. The awards within a given competitive class typically will range from $100,000 to $300,000 maximum. Each proposal will be reviewed, evaluated and ranked, within the competitive class to which it is assigned by the FAA.

The FAA does not intend to fund all proposed projects or necessarily all components of a proposed project. FAA expects to award at least 20 grants

Evaluation Criteria

The evaluation criteria are designed to enable the reviewing panel and FAA officials to effectively evaluate the relative merit of submitted proposals. The proposals will be scored on a 100-point scale and will be evaluated based on the following factors:

1. *Institutional Commitment* (15 points maximum)

Each proposal will be evaluated as to the extent of the institution's commitment to the AWS Program, in relation to the date of curriculum recognition and overall size of program, as follows:

(a) Number of recognized AWS curriculum options.

(b) Number of students pursuing AWS degrees.

(c) Number of AWS degrees awarded since curriculum recognition.

(d) Recruitment activities including outreach programs for minority and female students.

(e) Projected growth of AWS Program over next 5 years. Extent to which projected growth is realistic in comparison to current enrollment figures and strategic plan.

(f) Amount of institutional cost sharing funds provided toward the project.

(g) Demonstrated continued support and growth of the institution's AWS Program.

(h) Quality of Local Review Statement.

2. *Strategic Plan* (15 points maximum)

The feasibility of the Strategic Plan will be evaluated in terms of the following:

(a) Institution's current AWS Program.

(b) Institution's planned approach to meet future aviation work force needs.

(c) Potential resources, including fiscal, instructional, and administrative elements, necessary for achievement of planned goals.

3. *Project Plan* (20 points maximum)

The Project Plan will be evaluated as follows:

(a) Appropriateness of the project in terms of institution's current AWS Program.

(b) Relationship between the project and the strategic plan.

(c) Extent to which project adequately supports recognized curriculum.

(d) Number of AWS students to benefit in relation to size of institution's AWS Program.

(e) Benefits to students.

(f) Evidence that institution has good understanding of activities and tasks required to bring project to conclusion.

(g) Appropriateness of proposed facilities and/or equipment in terms of project goals and objectives.

(h) Extent to which milestones are realistic and attainable.

(i) Extent to which applicant demonstrates that non-Federal funds required for the project are available.

(j) Extent to which adequate management mechanisms provide for the effective administration and technical direction of the project.

4. *Project Personnel* (10 points maximum)

The professional qualifications and experience of the institution's present AWS personnel, especially the AWS Project Director, and other key officials who will be involved in the proposed AWS grant project, will be evaluated as follows:

(a) Qualifications and experience of the Project Director.

(b) Qualifications and experience of project personnel in relation to the goals and objectives of the project.

(c) How well the institution scheduled and allocated project personnel time to perform duties associated with project.

(d) How well AWS personnel responsibilities are defined.

(e) Adequate faculty on board to utilize facilities and/or equipment *or* institutional commitment to provide necessary faculty positions and adequate staffing plan developed.

5. *Budget Plan* (10 points maximum)

The Budget Plan will be evaluated as follows:

(a) Proposed expenditures itemized by budget category and mathematical calculations correct.

(b) Entries detailed and consistent with project narrative.

(c) Budget figures appropriate for goods and services being procured.

5. *Institutional Need* (15 points maximum)

Each proposal will be evaluated to determine the extent to which the applicant institution has demonstrated the following:

(a) An overrall financial need for funding.

(b) Consequences to the institution's AWS Program if Federal funding not obtained.

7. *Evaluation/Assessment Plan* (15 points maximum)

The Evaluation Plan will be evaluated to determine the extent to which it demonstrates the following:

(a) Plan is adequately tied to goals and objectives of the project.

(b) Strategy and measurement components are appropriate for stated project goals and objectives.

(c) Evaluation will produce information which would be useful to other institutions in implementing similar projects.

Issued in Washington, DC, on March 12, 1992.

Belinda R. Zamer,

Deputy Director, Office of Training and Higher Education.

[FR Doc. 92-6399 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Transit Administration

[Docket No. 91-B]

Metric Conversion Policy

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of proposed policy.

SUMMARY: This document solicits comments on a proposed policy to pursue and promote an orderly conversion to the metric system on a recommended schedule for all Federal Transit Administration (FTA) Programs in accordance with statutory mandates. The action would involve the setting of metric conversion timetables for FTA manuals, documents, publications, data collection and reporting, and administration of grants and procurement contracts. It would implement legislation approved in 1988 and would comply with the policy established by the Department of Commerce, the lead agency under the statute, and the Department of Transportation (DOT). It will affect State and local governments, the transit industry and the public.

DATES: Comments must be received on or before May 18, 1992.

ADDRESSES: Submit written, signed comments to FTA Docket No. 91-B, Federal Transit Administration, Office of the Chief Counsel, room 9316, 400 Seventh St., SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. John Durham, Program Analyst, Office of Technical Assistance and Safety, TTS-12, (202) 366-0255 or Linda Watkins, Office of the Chief Counsel, TCC-34, (202) 366-1936.

SUPPLEMENTARY INFORMATION: Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, 102 Stat. 1107, 1451 (codified at 15 U.S.C. 205(a)), which amended the voluntary metric conversion provisions of the Metric Conversion Act of 1975 (Pub. L. 94-168, 89 Stat. 1007), declares the metric system to be the "preferred system of weights and measures for United States trade and commerce" and that "each agency of the Federal Government, by date certain prior to the end of fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units". The DOT has determined that all FTA programs authorized under title (49), United States Code, and related mass transportation acts shall be converted to metric.

The U.S. Department of Commerce (DOC), as the lead Federal agency for metric conversion, promulgated its guidance for Federal agencies on January 2, 1991, 56 FR 160 (15 CFR part 19), and earlier issued its Systems of Units (metric system) for the United States at 55 FR 55242 on December 20, 1990. That guidance, in part, requires Federal agencies to: (1) Establish metric conversion plans and dates for use of the metric system to procurements, grants, and other business-related activities; (2) Coordinate with other Federal agencies, State and local governments and the private sector.

The DOC guidance further requires that Federal agencies

> * * * shall give due consideration to known effects of their actions on State and local governments and the private sector. * * * paying particular attention to effects on small business. (15 CFR 19.22; 56 FR 161).

The U.S. DOT has issued implementing guidance under DOT Order 1020.1C dated May 8, 1990, and its Attachment dated January 31, 1991 (available for inspection and copying in the files of the FTA public docket in room 9316 as stated under heading **ADDRESSES** above). The DOT guidance in part states:

> The Department of Commerce interprets the 1992 deadline for metric conversion to mean that plans scheduling such conversion should be in place by then, with some conversion underway and other conversion scheduled as appropriate for later dates. For purposes of these guidelines, such scheduled conversion should be completed where possible by 1997, and where necessary to go beyond that year, firm conversion schedules should be in place.

In response to this DOT Order, FTA has proposed and submitted a metric conversion plan to the Office of the Secretary on September 3, 1991. This plan foresees that FTA activities most affected by metric conversion will be those related to its grant programs. The net effect will be felt in the use of metric rather than conventional specifications; any real cost or effectiveness impacts on FTA grantees, contractors and equipment suppliers in converting to metric should be minor. FTA holds this view because we are encouraging the use of the metric system, rather than mandating a conversion in a manner that would add unreasonable costs to the industry. Thus, it is our expectation that grantees will work with suppliers in achieving an orderly conversion—one that is low in cost yet enhances the ability of the transit industry to compete in the world marketplace.

In terms of its own activities, the plan calls for FTA immediately to begin to welcome information in metric units from its grantees and other constituents. During FY 1992, FTA also intends to develop computer programs internally to translate Section 15 data into corresponding metric units and to identify metric training needs of its employees. Beginning in FY 1993 the agency plans to use metric units predominantly in its reports and correspondence. Other aspects of FTA's metric conversion are to be accomplished over a 5-year period. FTA recognizes that total industry conversion to the metric system, especially regarding facilities construction, may take decades to accomplish.

Purpose

The purpose of this notice is to solicit comments on this action and the proposed timetable for conversion to using the metric system for all FTA programs. Of particular interest to the Government is quantifiable information on the costs and benefits of metric conversion.

Metric conversion for FTA (and other Federal agencies) is no longer voluntary; it is now mandatory for FTA's procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant addressed they should relate to an identifiable element or programs activity involved.

Definitions

Metric System means the International System of Units (SI) established by the General Conference of Weights and Measures in 1960, as interpreted or modified from time to time for the United States by the Secretary of Commerce under the authority of the Metric Conversion Act of 1975 and the Metric Education Act of 1978, Pub. L. 95–561, section 311(a), 92 Stat 2211.

Other Business-Related Activities means measurement sensitive commercial or business directed transactions or programs, *ie.*, standard or specification development, procedure or practice requirements of an agency.

Measurement Sensitive means the choice of a measurement unit is a critical component of the activity, *i.e.*, an agency rule/regulation to collect samples or measure something at specific distances or to specified depths; specifications requiring intake or discharge of a product to certain volumes or flow rates; guidelines for clearances between objectives for safety, security or environmental purposes, etc.

General Policy

It is FTA's policy to pursue and promote an orderly changeover to the metric system for all the programs in accordance with the statutory requirements, DOC policy guidance and DOT guidance. Metric conversion of FTA's procurement operations will be governed by the Federal Acquisition Regulations issued by the General Services Administration (GSA) and DOT regulations and policies.

In the development of the proposed transition timetable, which addresses only major areas of concern, FTA has attempted to be sensitive to all parties affected by the planned actions, recognizing that various industries and sectors of the economy will differ widely in the timing of their transition to the use of metric measurement.

Program Exclusions

Metric usage shall not be required to the extent such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in accordance with 15 CFR 19.22; 56 FR 161. At this time FTA does not propose any exceptions to metric conversion.

PROPOSED METRIC CONVERSION TIMETABLE

Program elements/activities	Target date
I. Incorporate public comments into final FTA plan and policy.	June 1, 1992.
II. Convert Section 15 data to metric (internal to FTA).	Sept. 1992.
III. Implement FTA employee training program.	Sept. 1993.
IV. Conversion of FTA manuals, documents, and publications.	Sept. 1997.

Authority: (Sec. 5164, Pub. L. 100–418, 102 Stat. 1107, 1451 (codified at 15 U.S.C. 205[a]); Pub. L. 94–168, 89 Stat 1007; Sec. 311(a), Pub. L. 95–561, 92 Stat 2211; 49 CFR 1.51.)

Issued on: March 13, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92–6368 Filed 3–18–92; 8:45 am]

BILLING CODE 4910–57–M

UNITED STATES INFORMATION AGENCY

Hubert H. Humphrey Fellowship Program

AGENCY: United States Information Agency.

ACTION: Notice, request for proposals.

SUMMARY: The Bureau of Educational and Cultural Affairs seeks to secure the services of a Washington-based non-profit organization to assist in the administration of the Hubert H. Humphrey Fellowship Program Washington Workshop. The organization shall plan and implement a seven-day conference for the Humphrey Fellows from October 24–30, 1992. The goal of the workshop is to enhance Fellows' understanding of social, cultural, and political institutions in the U.S., provide opportunities for interaction among Fellows, provide opportunities for professional networking, introduce the Fellows to the organization responsible for administering the Humphrey Program, the Institute for International Education (IIE), and introduce Fellows to Washington, DC.

Each year the Hubert H. Humphrey Fellowship Program brings approximately 145 accomplished professionals from developing countries to the U.S. at a mid-point in their careers. The program involves a year of non-degree graduate-level study and related professional experiences. Fellows are nominated by U.S. embassies or binational educational commissions because of their academic qualifications and potential for national leadership. By providing these future leaders with exposure to U.S. society and culture, and to current U.S. approaches to the fields in which they work, the program provides a basis for establishing lasting ties among U.S. citizens and their professional counterparts in other countries.

Fellowships are granted competitively to public- and private-sector candidates with a commitment to public service in the fields of planning and resource management, public policy analysis and public administration, public health, and agricultural development. Fields pursued by Fellows could include such diverse sub-categories as the following: international finance; marketing; trade; personnel administration; environmental policy; water management; higher education administration; information management; journalism; justice administration; urban planning; regional development; hospital administration; and substance abuse treatment and prevention.

DATES: Deadline for proposals:

Proposals must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on April 20, 1992. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents which are postmarked on April 20, 1992 but received at a later date. It is the responsibility of each grant applicant to ensure that the proposal is received by

that deadline. The grant should begin about June 29, 1992.

ADDRESSES: The original and fifteen (15) copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref.: Hubert H. Humphrey Fellowship Program, Grant Management Division, E/XE, room 357, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Representatives of interested organizations must contact Ms. Aleta Wenger or Ms. Deborah Trent at the U.S. Information Agency, 301 4th Street, SW., Hubert H. Humphrey Fellowship Program, Office of Academic Programs, room 349, (202) 619–5289, to request detailed application packets. The packet includes program requirements, award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific information for budget preparation.

SUPPLEMENTARY INFORMATION:

Overview

Authority for the Hubert H. Humphrey Fellowship Program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256 (Fulbright-Hays Act). The Fulbright Program seeks to increase mutual understanding between the people of the U.S. and people of other countries.

Pursuant to the Bureau's authorizing legislation, programs must maintain their scholarly integrity and non-political character and should be balanced and representative of the diversity of American political, social, and cultural life.

Guidelines

Eligibility

Non-profit organizations with key program staff based in the Washington, DC metropolitan area and available for frequent meetings with Washington D.C.-based Agency staff are invited to submit proposals for a cooperative agreement award from the Agency. Organizations must also have experience in conference management, professional exchanges, and international exchanges.

Only organizations with at least four years of experience in international exchange activities are eligible to apply for this grant.

Proposed Budget

A comprehensive, line-item budget must be submitted with the proposal by the application deadline. Specific guidelines for budget preparation are contained in the application packet. Budget requests should be presented in the format indicated in the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not adhere to the guidelines established herein and in the application packet.

Eligible proposals will be forwarded to a panel of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency's budget and contracts offices. Proposals may be reviewed by the Agency's Office of the General Counsel.

Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Quality/responsiveness—The quality of the workshop plan and adherence to the criteria and conditions described in the application packet. Proposals should clearly demonstrate how the organization will meet the workshop's objectives.

2. Institutional capacity—Proposed staffing levels and experience, as well as the quality and quantity of all institutional resources, should be adequate and appropriate for achieving the workshop's goals.

3. Cost-effectiveness—The overhead and administrative components of the grant, as well as salaries and honoraria, should be kept as low as possible. All budget items should be necessary and appropriate. Proposals should demonstrate cost-sharing and in-kind support. The level of cost-sharing and in-kind support reflected in each proposal will be key selection factors.

4. Track record/potential—Proposals should describe the experience of the applicant organization. The Agency will consider the performance of previous and current USIA grant recipients in addition to the potential of new applicants.

5. Evaluation plan—Proposals should provide a sound plan for evaluation to be undertaken by the selected organization.

Notification

All applicants will be notified of he results of the review process on or about June 22, 1992. Awarded grant(s) will be subject to periodic reporting and evaluation requirements.

Application Disclaimer

The terms and conditions of this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of this request for proposals does not constitute an award commitment on the part of the government. Final award cannot be made until funds have been allocated and committed through internal USIA procedures.

Dated: March 12, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92–6414 Filed 3–18–92; 8:45 am]

BILLING CODE 8230–01–M

American Overseas Research Centers

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposal.

SUMMARY: The Bureau of Educational and Cultural Affairs seeks requests for financial assistance from American overseas research centers (ORCs). The authority for this activity is the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256 (Fulbright-Hayes Act). Through its support of ORCs, USIA seeks to enhance its mission of achieving long-term mutual understanding and mutual exchange of scholarly information and knowledge between the people of the United States and people of other countries.

DATES: Proposals must be received at the U.S. Information Agency by 5 p.m. Washington, DC, time May 15, 1992. Faxed documents will not be accepted, nor will documents postmarked on May 15, 1992, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline.

ADDRESSES: The original and fifteen copies (all with original signatures and date) of the completed application, should be submitted to: U.S. Information Agency, American Overseas Research Centers, Grants Management Division, E/XE, Room 357, 301 4th Street, SW., Washington, DC 20547.

FOR APPLICATION MATERIAL AND ADDITIONAL INFORMATION (BUDGET GUIDANCE, ETC.) CONTACT: Mr. Michael Graham, (E/AEN), Academic Exchange Programs Division, Near East/South Asia Branch, (202) 619–5368.

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be

balanced and representative of the diversity of American political, social and cultural life.

Overview

For this competition, an ORC is defined as a non-profit, independent U.S. institution of higher education and research, affiliated with or accredited by relevant recognized higher education bodies in the U.S. (e.g., American Schools of Oriental Research, Council for American Overseas Research Centers, Middle East Studies Association of North America).

An ORC may be a free-standing organization, independent of any other group or body, or may comprise a consortium of U.S. colleges, universities, museums and libraries. Applicants must demonstrate capability in facilitating advanced research abroad in the social sciences and humanities (not only archeological research) by both U.S. and foreign scholars and students; maintain an educational facility and full-time staff representation overseas; show a record of achievement in engaging the participation of all relevant segments of the local scholarly community; demonstrate mechanisms for active, ongoing non-Federal fund-raising; demonstrate capability in administering fellowships for advanced scholarly research abroad by U.S. scholars and students; and be actively undertaking innovative programs that further research, preferably collaborative research, with foreign scholars, in the social sciences and humanities.

Guidelines

The competition is limited to the following countries:

A. North Africa—Tunisia, Morocco, Algeria, Mauritania.

B. South Asia—Bangladesh, Pakistan.

These countries represent USIA's geographic priorities for development of academic exchange relationships through overeas research centers. Subject to the availability of funding, grants will be awarded in Fiscal Year 1992. Applicants may request funding for two years, but are requested to present two one-year budgets.

The Agency will review performance at the conclusion of the first year of the grant, and pending availability of funds, may extend the grant for one year without requesting a new proposal.

Restrictions: Proposals for feasibility studies to plan new ORCs will not be considered.

Review Process:

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not adhere to the guidelines established herein, and amplified in the application package. Ineligible proposals will not be considered for funding. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals also may be reviewed by the Agency's Office of the General Counsel.

The Associate Director for Educational and Cultural Affairs identifies and approves potential grant recipients. Final technical authority for awarding a grant resides with the Office of Contracts.

Proposal requirements are described below:

1. A cover sheet with the name of the institution, U.S. and overseas project directors, addresses, telephone and fax numbers and major field(s) of the project (e.g., Middle Eastern studies). Applicants are required to answer all questions on the cover sheet.

2. An executive summary or abstract of the proposal not to exceed two double-spaced pages.

3. A Narrative not to exceed 10 double-spaced pages, including evidence of institutional standing and academic quality, established record and achievements of the ORC, clear statement of goals and objectives for USIA-supported activities and the means to accomplish the objectives, justification of intellectual or institutional importance of programs, research output, and scholarly services; description of the nature of institutional and individual membership, and governing structure; a sampling of past research output; evidence of the relationship of the ORC to host country academic environment and plans for expanding local academic ties; a statement of how exchange-of-persons programs for which USIA funding is requested will be implemented and how participants are evaluated and selected; clear identification of the program innovation for which funding is being sought; a statement of how the ORC will evaluate activities supported by USIA; a summary of USIA-supported activities in the most recent year.

4. Financial management data outlining the total ORC budget, detailing expenditures and sources from which funds are anticipated. (Detailed information concerning budget format and eligible and ineligible items is included in the financial assistance application guidelines sent by USIA.)

5. Appendices: (a) Copy of charter, bylaws and articles of incorporation; (b) list of board of directors, or similar body, and officers; (c) vita of U.S. and overseas project directors not to exceed two pages each; (d) list of member institutions; (e) sources and amounts of Federal funds received in most recent fiscal year; (f) sources and amounts of non-Federal funds received in most recent fiscal year ; (g) copy of fellowship application; (h) copy of fellowship publicity; (i) list of recipients, if applicable, of USIA-sponsored fellowships in most recent three-year period, including academic fields and research topics; (j) a list of foreign scholars, and their projects, who have worked in collaboration with the ORC.

Review Criteria

Applications for this competition will be reviewed according to the following criteria and funding will be allocated on the basis of a panel's judgment regarding the degree to which these criteria are met:

1. Quality of program plan and adherence to criteria and conditions described above.

2. Reasonableness, feasibility, and flexibility of objectives. Proposals should clearly demonstrate how the ORC will meet its objectives.

3. Multiplier effect/impact. A particular priority is that proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual scholarly linkages for collaborative research and graduate education in host country.

4. Value to U.S. binational relations. The potential impact and significance of the ORC's operations in the host country and in the region.

5. Cost effectiveness. Overhead and administrative components of grants, including salaries and honoraria, should be kept as low as possible, and are not allowed to exceed 20% of the total grant.

6. Cost-sharing. Proposals should maximize cost-sharing through non-Federal support.

7. Potential for program excellence and/or track record. Relevant evaluation results of previous projects are part of this assessment.

8. Innovativeness of the program for which funding is sought.

9. Promise of the general advancement of U.S. scholarly research abroad.

10. Evidence of strong mutual benefits to the U.S. and foreign institutions and individuals involved.

11. Evidence of strong commitment by U.S. participating and member institutions.

Note: Inasmuch as each ORC is competing against all the others in the pool of applicants, it is possible that not all will be successful in receiving funding and more likely still that the full amount requested will

not be awarded. Some grants may only be made for one year in order to redistribute the future pools of applicants more evenly over a two-year cycle of competitions.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review of full proposals on or about May 15, 1992. Grant awards will be subject to standard periodic reporting and evaluation requirements.

Dated: March 13, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6416 Filed 3-18-92; 8:45 am]

BILLING CODE 8230-01-M

Curriculum Consultant/Faculty Development Exchange with the Commonwealth of Independent States and Georgia

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from U.S. educational, cultural, and other not-for-profit institutions for the development of a two component program for educators from the United States, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. These exchanges are subject to the availability of funding for Fiscal Year 1992.

Support is offered for two categories: Category A, the Curriculum Consultant Exchange; and Category B, the Faculty Development Program. Both categories have separate conditions and requirements, which are stated in this announcement. Institutions may compete in one or both categories, but must submit a separate proposal for each category.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 17, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 17, 1992 but received at a later date. It is the responsibility of each grant applicant to ensure that its proposals are received by the above deadline. Duration: *Category A:* Proposals for the Curriculum Consultant Exchange must be for an entire academic year. Programs may not start before July 1, 1992, and must end before September 1, 1993. *Category B:* Proposals for the Faculty Development Program should provide for a six-week program, and must not begin before July 1, 1992, and must end before September 31, 1992.

ADDRESSES: The original and 15 copies of the completed application, including required forms, should be submitted by April 17, 1992 to: U.S. Information Agency, Reference: (Program Category and Title), Office of Grants Management, E/XE, room 357, 301 4th Street, SW, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should write or call: Ted Kniker or Mara Moldwin, U.S. Information Agency, 301 4th Street, SW., European Branch, Academic Exchanges Division, E/AEE room 208, Washington, DC 20547; telephone (202) 619-5341, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Overall authority for these programs is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and other countries of the world." Pursuant to the Bureau of Educational and Cultural Affairs authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Programs should also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

Overview

The Office of Academic Programs encourages the development of current and accurate information about U.S. culture, institutions, society and language to be incorporated in the educational curricula of the countries of the Commonwealth of Independent States and Georgia through a wide range of exchange programs. Specifically, the Office of Academic Programs sponsors exchanges that bring foreign educators involved in the development and direction of teaching materials and curricula that focus on U.S. culture, institutions, society, and lanugage to the United States for study programs that will enhance their first-hand knowledge of those subject areas. The Office also sponsors the strengthening of Russian language and central Eurasians area studies in American educational institutions through various components of the Fulbright Exchange Program. Each component of the Curriculum Consultant/Faculty Development Program serves both objectives in an effective and lasting fashion.

Category A

The Curriculum Consultant exchange program will involve the two-way exchange of (a) up to 15 foreign educators who are involved in the study of Russian as a second language, and (b) up to 15 American studies/English teaching educators from the United States. The participants must spend a full academic year working as consultants in their counterpart universities.

Category B

The Faculty Development Program (the summer component) will be a six-week, U.S.-sited study program for up to 25 senior foreign educators from Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, or Uzbekistan. The study programs should focus on U.S. culture, institutions and society, American English, American linguistics theory and second language acquisition.

Guidelines

Language Qualifications

Foreign participants must be fluent in English and American participants must have sufficient fluency in Russian. Escort/interpreters are therefore not provided.

Institutional Commitment

Proposals must include documentation of institutional support for the proposed program in the form of signed letters of endorsement from the U.S. and foreign partners' presidents, chancellors, or directors, or in the form of a signed agreement by the same persons. Letters of endorsement must describe each institution's commitment and activities in support of an on-going partner linkage and make specific reference to the proposed program and each institution's activities in support of that program. Applicants must submit this documentation as part of the completed application. Applying institutions are expected to make their own arrangements with the appropriate foreign institutions.

Orientation Programs

Participants should be provided with a substantive and comprensive orientation to the country of their visit,and proposals shold describe these orientation programs, including costs, in detail.

Proposed Budget

Project awards to U.S. institutions and organizations will be made in a wide range of amounts but for Category A (Curriculum Consultants), awards will not exceed $65,000 except for consortia of three or more member colleges or universities; and Category B (Faculty Development), awards will not exceed $85,000 except for consortia of three or more member colleges or universities. The Agency reserves the right to reduce, revise or increase proposal budgets in accordance with the needs of the program. For organizations with less than four years of experience in international exchange activities, grants will be limited to a maximum of $60,000, and proposed bugets should not exceed this amount. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet.

Allowable Costs

Category A and Category B

Grant-funded items of expenditure will be limited to the following categories:

—International Travel (via American flag carrier);
—Domestic travel;
—Excursionary travel and lodging for cultural enrichment (not to exceed $200.00 per participant);
—Maintenance and per diem;
—Academic program costs (e.g. tuition, book allowance);
—Travel and partial maintenance costs (not to exceed 50 percent of U.S. Government per diem rates for stays of 30 days or less, or 35 percent for stays over 30 days) for accompanying faculty or resident directors, for no more than one program supervisor per fifteen participants.
—Orientation costs (speaker honoraria are not to exceed $150 per day per speaker);
—Cultural enrichment expenses (admissions, tickets, etc., limited to $150 per participant);
—Administration (salaries, benefits, communications, other direct and indirect costs)*;
—Application should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including tuition waivers and overseas partner contributions.

*Please Note: It is required that requested administrative funds not exceed 20 percent of the total amount requested, including administrative expenses for orientation; administrative expenses should be cost-shared.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet, including the Guidelines for Preparing Proposals (EAEE-92-02). Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

a. Quality of program plan—including academic rigor and excellence, thorough conception of project, demonstration of meeting participants' needs, contributions to understanding the partner country, proposed follow-up, and qualifications of program staff and participants.

b. Reasonable, feasible, and flexible objectives—the capacity of the organization to conduct the program. Proposals should clearly demonstrate how the insitution will meet the program objectives and plan.

c. Track record—relevant Agency and outside assessments of the organization's experience with international programs; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.

d. Multiplier effect/impact—the positive effect of the program on long-term mutual understanding, the inclusion of maximum sharing of information, and the establishment of long-term institutional and individual linkages.

e. Value of U.S.-partner country relations—the assessment by USIA's geographic area office of the need, potential impact, and significance of the project with the partner country.

f. Cost effectiveness—greatest return on each grant dollar, degree of cost-sharing exhibited.

g. Diversity and pluralism—preference will be given to proposals that demonstrate efforts to include participants from diverse regions, and of different socio-economic and ethnic backgrounds, to the extent feasible for the applicant institutions.

h. Adherence of proposed activities to the criteria and conditions described above.

i. Institutional commitment as demonstrated by financial and other support to the program.

j. Follow-on Activities—proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

k. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

Notice

The terms and conditions published in this RFP binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of this request for proposals does not constitute an award commitment on the part of the government. Final award cannot be made until funds have been fully appropriated by Congress, allocated, and committed through internal USIA procedures.

Notification

All applicants will be notified in writing of the results of the review process on or about June 15, 1992. All funded proposals will be subject to

periodic reporting and evaluating requirements.

Dated: March 11, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6415 Filed 3-18-92; 8:45 am]

BILLING CODE 8230-01-M

Czech and Slovak Federal Republic Summer Language Exchange

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: Subject to the availability of funds, the United States Information Agency (USIA) invites applications from U.S. educational, cultural, and other not-for-profit institutions to conduct a summer language exchange with the Czech and Slovak Federal Republic. Applications for substantive academic exchanges will be accepted from accredited, degree-granting U.S. universities or colleges, university systems, and not-for-profit organizations engaged in international educational exchange programs.

DATES: Deadlines for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Wednesday, April 15, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 15, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that its proposal is received by the appropriate deadline. Grants should begin no earlier than June 15, 1992. The duration of the grant should be from 6 to 14 weeks.

ADDRESSES: The original and fifteen (15) complete copies of the application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref.: Czech and Slovak Federal Republic Summer Language Program, Office of Grants Management, E/XE, Room 357, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should contact: Ted Kniker at U.S. Information Agency, 301 4th Street, SW., European Branch, Division of Academic Exchanges, E/AEE room 208, Washington, DC 20547; telephone (202) 619-5341 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Overall authority for these exchanges is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world." Pursuant to the Bureau of Educational and Cultural Affairs authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Programs shall also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

Overview

This exchange is to be conducted in pursuit of the goals established in the Agreement between the Government of the United States of America and the Government of the Czech and Slovak Federal Republic (formerly the Czechoslovak Socialist Republic) on Cooperation in Culture, Education, Science and Technology, and Other Fields. The purpose of this exchange program is to conduct an intensive summer language program for up to 20 participants from each country. Support is offered for programs which bring Czech and Slovak English language educators to the United States and send American students and/or language educators specializing in Czech and Slovak languages, to the Czech and Slovak Republic for advanced language instruction. Programs for study in fields other than those mentioned above will not be considered. Programs must be reciprocal; while it is desired that an equal number of participants be exchanged, it is not a requirement. Proposals must include participants from both Czech and Slovak republics. Participants must be citizens of the United States or of the Czech and Slovak Federal Republic. Programs in the U.S. are expected to be conducted in English. Programs in the Czech and Slovak Federal Republic are expected to be conducted in the language of the host republic. Applying institutions are expected to make their own arrangements directly with appropriate Czech and Slovak institutions. Proposals should include documentation of institutional support for the proposed program from the participating U.S. and foreign institutions.

Language Qualifications: Participants should have sufficient fluency in the language of the host country (or republic) to be able to pursue university level study and be able to converse with citizens of the country without the aid of interpreters. Generally, the equivalent of two years of college-level study is considered the minimum.

Cultural Enrichment: Proposals should include a thorough description of cultural enrichment activities. Programs for the Czech and Slovak teachers should include an American studies component.

Proposed Budget

One or two project awards will be made in a range of amounts but will not exceed $80,000. The Agency reserves the right to reduce, revise or increase proposal budgets in accordance with the needs of the program. For organizations with less than four years experience in international exchange activities, grants will be limited to a maximum of $60,000, and proposed budgets should not exceed this amount. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet. Grant-funded items of expenditure will be limited to the following categories:

—International Travel (via American Flag Carriers);
—Domestic travel;
—Maintenance and Per Diem;
—Academic program costs (e.g. tuition, university fees, book allowance);
—Orientation costs (speaker honoraria are not to exceed $150 per day per speaker);
—Cultural enrichment expenses (admissions, tickets, etc.; limited to $150 per participant);
—Administration (salaries, benefits, communications, other direct and indirect costs.*
—Applications should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including tuition waivers and overseas partner contributions.

*Please Note: It is required that requested administrative funds not exceed 20 percent of the total amount requested, including administrative expenses for orientation and indirect costs applied to all administrative

and program costs; additional administrative expenses should be cost-shared.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet, including the Guidelines for Preparing Proposals [E/AEE-92-02]. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with the USIA's contracting officer.

Review Criteria:

Technically eligible applications will be competitively reviewed according to the following criteria:

a. Adherence of proposed activities to the conditions described in the bilateral agreement and the program of cooperation (Article I, Paragraph V) between the United States and the Czech and Slovak Federal Republic.

b. Quality of program plan, including academic rigor, thorough conception of project, demonstration of meeting participant needs, contributions to understanding the partner country, proposed follow-up, and qualifications of program staff and participants.

c. Feasibility of the program plan and the capacity of the organization to conduct the exchange. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.

d. Track record—relevant Agency and outside assessments of the organization's experience with international exchange; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.

e. Multiplier effect/impact—the impact of the exchange activity on the wider community and on the development of continuing ties, as well as the contribution of the proposed activity in promoting mutual understanding.

f. Value of U.S.-partner country relations—the assessment by USIA's geographic area office of the need, potential impact, and significance of the project with the partner country.

g. Cost effectiveness—greatest return on each grant dollar; degree of cost-sharing exhibited.

h. Diversity and pluralism—preference will be given to proposals that demonstrate efforts to provide for the participation of individuals from diverse regions and of different socio-economic and ethnic backgrounds, to the extent feasible for the applicant institutions.

i. Institutional commitment as demonstrated by financial and other support to the program.

j. Follow-on activities—proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA-supported programs are not isolated events.

k. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

Preference Factors: Preference will be given to proposals that:

1. Include an area studies component;
2. Include a thorough orientation component for all participants; and
3. Provide an approximately equal number of American and Czech and Slovak participants.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of this request for proposals does not constitute an award commitment on the part of the government. Final awards cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the result of the review process on or about June 1, 1992. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: March 11, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6413 Filed 3-18-92; 8:45 am]

BILLING CODE 8230-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Industry Policy and Sector/Functional Advisory Committees

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Industry Policy and Sector/Functional Advisory Committees meetings including Chairman of Industry Sector and Functional Advisory Committees.

SUMMARY: The meetings will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to section 2155(f)(2) of Title 19 of the United States Code, I have determined that these meetings will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, these meetings will be closed to the public.

DATES: The period of March 8, 1992 to March 8, 1994.

ADDRESSES: All meetings will be held at the U.S. Department of Commerce, 14th Street and Independence Avenue, Washington, DC 20230, unless an alternate site is necessary.

FOR FURTHER INFORMATION CONTACT: Mollie Shields, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President or Clare Soponis, Director, Trade Advisory Center, Department of Commerce.

Carla A. Hills,

United States Trade Representative.

[FR Doc. 92-6412 Filed 3-18-92; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Tuesday, March 31, 1992.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92–6576 Filed 3–18792; 2:44 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, March 31, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92–6577 Filed 3–17–92; 2:44 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, March 31, 1991.

PLACE: 2033 K St., N.W., Washington, D.C., Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Application of the New York Cotton Exchange for contract designation in European Currency Unit futures
—Application of the Chicago Board of Trade for contract designation in Health Insurance futures and options
—Application of the Chicago Board of Trade for contract designation in Homeowners Insurance futures and options
—Application of the Coffee Sugar Cocoa Exchange for contract designation in Brazil Differential Coffee Futures

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92–6578 Filed 3–17–92; 2:44 pm]

BILLING CODE 6351–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:02 a.m. on Tuesday, March 17, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.

Recommendations concerning administrative enforcement proceedings.

Matters relating to the Corporation's assistance agreement with an insured bank.

Matters relating to certain financial institutions.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, DC.

Dated: March 17, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–6590 Filed 3–17–92; 3:01 pm]

BILLING CODE 6714–01–M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1446]

TIME AND DATE: 1 p.m. (EST), March 23, 1992.

PLACE: TVA Knoxville Office Complex, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA: Approval of minutes of meeting held on February 19, 1992.

ACTION ITEMS:

New Business

C—Power

C1. Financing Assistance for Distributors as Part of TVA's Power Program.

C2. Low Density Credit for TVA Power Distributors in Rural Areas with High Operating Costs.

C3. Changes in the Rates for TVA Power.

E—Real Property Transactions

E1. Public Auction Sale of Sewer Line Easement and Sewage Treatment Plant Site Affecting 11.42 Acres of Bellefonte Nuclear Plant Property in Hollywood, Alabama.

E2. Sale of Permanent Easement Affecting 0.11 Acre of Cherokee Reservoir Land in Grainger County, Tennessee.

E3. Sale by the U.S. Department of Agriculture, Forest Service, Affecting 0.05 Acre of Former TVA Land in Carter County, Tennessee.

F—Unclassified

F1. Contracts with CDI Corporation-Southeast and American Technical Associates, Inc.

F2. Filing of Condemnation Item.

INFORMATION ITEMS:

1. Revisions to the Reservation Charge for the Interruptible Standby Power Option 1.

2. Supplement No. 3 to Contract No. TV–76868T with Coopers & Lybrand for the Design and Implementation of the TVA Quality Improvement Program.

3. Jobs and Education Bill Credit.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager of Media Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479–4412.

Dated: March 16, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92–6513 Filed 3–17–92; 10:24 am]

BILLING CODE 8120–08–M

Corrections

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 911177-2016]

Groundfish of the Bearing Sea and Aleutian Islands Area

Correction

In rule document 92-1665, beginning on page 2688, in the issue of Thursday, January 23, 1992, make the following correction:

On page 2688, in the first column, under **EFFECTIVE DATES:**, in the second line, delete "filing".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0094]

Drug Export; Corzide Tablets (40mg/5mg, 80mg/5mg)

Correction

In notice document 92-4866, beginning on page 7592, in the issue of Tuesday, March 3, 1992, make the following correction:

On page 7593, in the first column, in the tenth line, "1992" should read "1991".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0093]

Drug Export; Hydrea Capsules 500 mg

Correction

In notice document 92-4865, appearing on page 7592, in the issue of Tuesday, March 3, 1992, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, in the first line, delete "and".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0095]

Drug Export; Pravachol Tablets 10mg and 20mg

Correction

In notice document 92-4867, appearing on page 7593, in the issue of Tuesday, March 3, 1992, make the following corrections:

1. In the first column, under **ADDRESSES:**, in the ninth line, "Amendements" was misspelled.
2. In the second column, under **SUPPLEMENTARY INFORMATION:**, in the fourth line, "provided" should read "provide".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8348]

RIN 1545-AB73

Limitations on Percentage Depletion in the Case of Oil and Gas Wells

Correction

In the issue of Monday, February 10, 1992, on page 4913, in the first column, in the correction of rule document 91-10856, in § 1.613A-3, in correction 4., in the third line, "355" should read "375".

BILLING CODE 1505-01-D

federal register

Thursday
March 19, 1992

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 234

Single Family Development Acceptance of Individual Residential Water Purification Equipment; Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 234

[Docket No. R-92-1514; FR-2855]

RIN 2502-AF04

Single Family Development Acceptance of Individual Residential Water Purification Equipment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule sets out the circumstances under which the Department will agree to provide FHA mortgage insurance on single family properties for which a loan-to-value ratio (LTV) greater than 90% is proposed, and when certain of the requirements associated with water supply systems set out in 24 CFR 200.926d(f), and usually applied to such properties, cannot be met. This rule also codifies requirements already applicable to the insuring of existing single family properties. The purpose of this rule is to expand the availability of FHA mortgage insurance while assuring appropriate safeguards to protect the health and safety of potential occupants.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Donald Fairman, Manufactured Housing and Construction Standards Division, room 6207, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone, voice: (202) 708-0718; (TDD) (202) 708-4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). No person may be subjeced to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.** Public reporting burden for the collection of information requirements contained in this rule are estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, *Other Matters.* Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW., room 10276, Washington, DC 20410-0500; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

Background

On February 14, 1991, the Department published a proposed rule (56 FR 6216) designed to set out the circumstances under which FHA would agree to provide mortgage insurance on single family properties otherwise eligible for insurance, when certain of the requirements associated with water supply systems set out in 24 CFR 200.926d(f) cannot be met. This final rule makes effective, with changes described in the preamble, the February 14, 1991 proposed rule.

The National Housing Act, 12 U.S.C. 1702 *et seq.*, authorizes the Secretary of Housing and Urban Development to prescribe standards for determining the acceptability of one and two family residential structures (and other structures) for mortgage insurance. 12 U.S.C. 1715*l*(f). In addition, the standards must be consistent with the national housing policy of realizing the goal of "a decent and suitable living environment for every American family* * *." 42 U.S.C. 1441.

The Secretary has prescribed Minimum Property Standards (MPS) in 24 CFR part 200, subpart S, for determining the acceptability of one and two family (and other) housing. In addition, subpart S currently references additional standards contained in HUD Handbooks 4910.1 and 4930.2, which are incorporated into the Department's regulations by authority of 24 CFR 200.927.

Water quality standards, applicable to newly constructed single family structures for which the loan-to-value ratio is greater than 90 percent, are set out in 24 CFR 200.926d(f). The cited paragraph generally sets out the requirements for acceptability of public or private water supply systems providing safe drinking water.

Section 424 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701z-15, provides that when an existing water supply does not meet HUD's minimum property standards and a permanent alternative acceptable water supply is not available, approved residential water treatment equipment or a water purification unit that provides bacterially and chemically safe drinking water may be used to provide a continuous supply of water.

Under section 424, the Department is authorized to provide terms and conditions under which residential treatment equipment may be found to meet the conditions for mortgage insurability. Cognizant of the mandate in section 424, the Department is providing, in this rule, a means by which mortgage insurance can be made available despite the lack of a supply of bacterially and chemically safe drinking water. The procedures in the rule are designed to assure, by means of an agreement between mortgagor and mortgagee (and with the assistance of health and water quality professionals), that water purification equipment to be used in the dwelling will provide continuing availability of safe and potable water.

The Department has reviewed the Environmental Protection Agency's (EPA) data and rules for the use of water treatment equipment and purification units (commonly referred to as "point of entry treatment devices"), and specifically those proposed in the **Federal Register** at 50 FR 46915 (November 13, 1985) and published in final form at 52 FR 25690 (July 8, 1987). (See 40 CFR 141.100 and 142.62(g).) The Safe Drinking Water Act provides authority for EPA to establish the conditions under which treatment devices may be used, if necessary to assure protection of public health. The Department also has reviewed a report to the Congress by the Farmers Home Administration in response to section 1304(b)(1) of the Food Security Act of 1985, 7 U.S.C. 1281, entitled "Individual Facilities for Rural Water and Waste Disposal." Additionally, HUD staff has consulted with the staff of the EPA Office of Drinking Water, and has reviewed data from the Water Quality Association.

This rule provides a means for mortgagees and mortgagors, in an area that lacks a source of safe and potable water available to otherwise-insurable dwelling units, to:

1. Arrange, by means of a contract and through the enlistment of assistance from local health authorities, for an

approved means of assuring a continuous supply of drinking water;

2. Demonstrate to the satisfaction of the Department that the water supply is and will continue to be safe; and

3. Make possible the provision by the Department of mortgage insurance under the National Housing Act.

The procedures in this rule are similar to those in Mortgagee Letter 91–4, issued January 25, 1991, regarding requirements applicable to properties not covered by the Minimum Property Standards. This rule amends the MPS to cross-reference the above-described special procedures. This rule provides a uniform regulatory standard applicable to all single family FHA insurance transactions—both new and existing single family dwellings.

Concurrently with the adoption of new §§ 203.52 and 234.64, the Department is amending § 203.550. Section 203.550, relating to a mortgagee's responsibility for collecting, managing, and disbursing escrowed monies, provides in paragraph (c) that the mortgagee's estimate of escrow requirements must be based on the best information available as to probable payments that will be required to be made from the escrow account "in the coming year." This provision as originally drawn contemplated only the accrual of monies for expenditures such as taxes and insurance that require outlays at least annually. The escrow is established under §§ 203.52(e) and 234.64(e). It includes not only monies to be expended periodically during each year for servicing and maintenance costs, but includes also a reserve for repair and replacement of equipment, as needed. Section 203.550 is revised in this rule to permit the collection and escrow of monies that may not be disbursed until some years after collection.

The escrow described in §§ 203.52(e) and 234.64(e) is exempt from the prohibition in section 10 of the Real Estate Settlement Procedures Act (RESPA), in accordance with the Secretary's authority to grant exemption under section 19(a) of that Act.

Public Comments

The Department received nine public comments on the proposed rule. Several of the comments were detailed in their criticisms of the rule and made explicit recommendations for change. The commenters, although few in number, appeared to represent a diverse cross-section of relevant interests, including an environmental engineer; an association representing water well and pump installation contractors; an association of drinking water administrators; counsel for the National Water Quality Association, representing manufacturers of water treatment devices; an individual manufacturer of water quality devices; the Member of Congress who sponsored the amendment giving rise to the rule; a mortgage lender; the Mortgage Bankers Association; and a state conference of directors of environmental health.

A summary of the principal comments and responses, organized by subject matter, is set out below.

I. Requests for Clarification of the Rule

Comment: An environmental engineer suggested that clarification is needed on the term "purification" as used in the proposed rule. As written, the commenter said, the rule indicates that the use of purification equipment will produce a safe and potable water supply. Only disinfection with an agent such as chlorine will destroy, neutralize or inhibit the growth of pathogenic microorganisms which cause disease. Purification equipment (merely) tends to make water more aesthetically acceptable, but not necessarily to produce a safe water supply.

Response: Section 203.52(3) of the HUD proposed rule requires the system equipment to provide a water supply that meets the state or local health authority standards for water quality. Where no state or local standards exist, EPA standards arising out of the Safe Drinking Water Act must be met. Neither of these standards can be complied with without disinfecting the system. For point of entry and point of use equipment, EPA requires the system to be certified by the state. This includes a plan using effective technology to provide microbiological safety of the water. Either system must provide health protection equivalent to a central water treatment system. ("Equivalent" means the water will meet all primary and secondary drinking water standards). An approved monitoring plan, (the state or its agency) must be in place (monitoring includes physical measuring of flow rate and mechanical condition of the equipment). Attention is also provided to possible increases in heterotrophic bacteria concentrations in water treated with activated carbon. Frequent backwashing, disinfection and heterotrophic plate count monitoring may be necessary.

Comment: An environmental health organization commented that the rule was not sufficiently specific about what water quality standard was to be applied to individual water supplies. If the rule intends that a well serving a single family dwelling must meet the Safe Drinking Water Act (SDW) standards, quality testing alone would cost up to $2000. In addition, the commenting organization said, point-of-entry devices suitable for private wells may not exist or be economically feasible for some of the contaminants that may be detected by water quality testing for SDW Act compliance.

Response: Under the SDW Act, EPA has developed drinking water requirements that are required by law to be enforced by the states. Section 203.52(3) of the proposed rule provides that the water supply must meet the state or local water quality standards for drinking. These are EPA requirements that a state enforces to assure acceptable drinking water for a locality.

II. Doubts About Reliability of Available Disinfection Units

Comment: According to the environmental engineer's comments, at present, disinfection units available for individual home use leave "a lot to be desired" from the standpoint of reliability.

Response: Water purification equipment must be approved by a nationally recognized testing laboratory. In addition, the local health or state authority must certify that a system is in place that will assure safe potable water and a plan exists for the monitoring, servicing, maintenance and replacement of the water equipment. Finally, the water supply, when treated by the equipment, must meet the requirements of the health authority. The Department believes that these requirements provide reasonable assurance of a continuing supply of safe, potable water.

III. Concerns About Costs

Comment: The environmental engineer claimed that the rule's required "plan" will be cost-prohibitive to some mortgagors, thereby preventing them from purchasing a home in some areas.

Response: There will be situations where this is true. However, the Department is left with no choice. There is no alternative to carrying out the intention of the statutory amendment with a rule that will assure a constant supply of bacterially and chemically safe drinking water. HUD believes it is essential to apply the same high standard to individual water systems as is applied by EPA to water systems serving 25 or more persons.

IV. Amount of Responsibility Placed on Local Health Authorities

Comment: A national trade association expressed its concern about the lack of definition of "local health authority" included in the proposed rule. If the term is limited to governmental

departments and agencies at the local level, the commenter indicated that some states may be at a disadvantage. As an example, the commenter stated that Nebraska had only two or three counties with local health authorities. Elsewhere, reliance upon a state health agency would be the only available resource for working out the plan and the contracts contemplated by the rule.

The commenter requested that the final rule make clear that statewide health authorities, e.g., the agency responsible for drinking water programs, would be acceptable. Such a statewide authority, the commenter suggested, could set management standards and then work through other local or regional organizations, e.g., natural resources districts.

Response: The term "local health authority" is intended to include the state agency responsible for drinking water programs as well as appropriate town and city agencies. This has been clarified in the rule.

Comment: The rule, as written, will place a lot of responsibility on local health authorities who may not have the resources to carry it out, the environmental engineer commented.

Response: As a result of the SDW Act, EPA requires each state, through one of its agencies, to protect the consumer by providing safe drinking water that conforms to EPA standards. In a number of states, this responsibility is delegated to the local health authority, which in turn oversees the local water department. The states are required to have adequate monitoring, testing and performance to protect the consumer. This procedure is currently in existence for public water systems, and it is the Department's position that this process can be extended to this program by the voluntary action of health authorities. It is the only practical and safe way that this program can be managed.

Comment: A manufacturers' association focused its concern on the "far too wide-ranging and nebulous powers granted local public health authorities." The requirement that a local authority certify that a point-of-entry system is in operation on the property would be, the commenter said, a prime deterrent to the use of point-of-entry equipment. Since the requirement makes it necessary to install the equipment on-site before certification, the rule would make it necessary to purchase and install expensive equipment with no certainty that the product will be certified by the local authority. The commenter recommended instead that prospective certification be permitted, based on product data supplied by the manufacturer.

Response: If the procedure outlined in this rule is followed, the only reason a local authority would have to refuse certification would be those cases where the equipment failed to provide safe potable water. The local health authorities have several matters about which they must certify, now including acceptability of the testing laboratory that approves the water purification equipment. The Department does not expect certification to occur without ample justification. Finally, this requirement for certification before occupancy allows all concerned to be assured that the correct technical decisions have been adopted. Clearly, water from the site where equipment is to be installed can be tested in advance of the equipment's installation, to afford local health authorities (and the mortgagor) an adequate demonstration that the equipment is effective before the expense of on-site installation is incurred. Nevertheless, the commenter is essentially correct in stating that the equipment must be certified as in operation on-site.

Comment: The same commenter suggested that the health authority's power to certify created the possibility that the local authority could add requirements of its own—unspecified in the rule—to the basic requirement that the water quality provided by the equipment be satisfactory.

Response: With reference to a state agency or local health authority's adding requirements, local knowledge will be required to control local problems. EPA has established the requirements, but the states are responsible for enforcement. The normal procedure for local requirements is to compare them with HUD criteria and enforce the higher standard. HUD will not object or interfere with the enforcement of higher local or state requirements.

Comment: Installation, monitoring, and servicing are limited by the rule to an "approved" entity selected by the local health authority. The commenter urged that, again, this placed too much discretion in local authority, and recommended that the rule instead provide that a list of acceptable installers, monitors and servicers be specified. (The commenter asserted that only one nationwide certification program exists for identifying qualified servicers—the Certified Water Specialist program administered by the Water Quality Association—the commenting organization.)

Response: The Department believes that mortgage insurance that can be in force on a property for thirty years and beyond must provide the protection afforded by this rule in the most permanent manner possible. This results in placing basic responsibilities with state and local governments, rather than with business or industry groups that can change with little or no notice. The Department has inadequate information on the ever-changing universe of local water purification industry members. This function is better suited to local agencies with first hand information available on the activities of nearby businesses.

The question on the number of certifying organizations available to serve the needs of these requirements currently presents a small problem. However, the promulgation of this rule can be expected to result in the activation of a number of companies with skills in this area.

Comment: An association representing state drinking water administrators expressed some concern about the impact of the rule on state and territorial drinking water programs. The commenter observed that the responsibilities placed on health authorities came at a time when drinking water agencies are experiencing a shortfall in resources to adopt and implement Safe Drinking Water Act amendments. Additionally, some doubt was expressed whether some health agencies had the legal authority to certify point-of-entry water purification systems, or to enforce the performance of service contractors.

Response: This comment reintroduces the problem of cost from the government aspect. Again, the Department believes that it has no choice. If local or state governments lack either resources or authority, the Department will be unable to provide mortgage insurance for properties with water access problems of this type, while providing necessary protection for the mortgagors. The Department recognizes that the rule is not likely to result in availability, in all localities, of mortgage insurance for properties requiring water purification systems.

Comment: A manufacturer argued that the rule's requirement that local health authorities certify the equipment's sufficiency to assure an uninterrupted supply of safe and potable water was unnecessary in light of the requirements for a monitoring and maintenance plan. The commenter questioned how a local authority would be able to make the determination, given the need to maintain the equipment in accordance with a monitoring and maintenance plan. It was urged that the local health authority's role be dropped from the rule.

Response: The Department feels that the importance of the functions required by this rule necessitates participation by the local health authority. There is no alternative agency or group with the assured staying power of local and State governments. These agencies possess the skills, are closer to the problem and will have the facilities to accomplish the work where they agree to take part in this program. It is expected that assurances of continuing acceptable water quality will involve both review of monitoring records and making provision of water analysis tests.

Comment: A lender who said that he had contacted three health departments stated that none of the three would agree to approve a Plan of the kind described in the proposed rule, because to do so, they said, would risk legal liability in the event of system failure of future contamination to the water consumed by the homeowner.

Response: The Department is not able to determine the degree or extent of liability risk associated with this regulation. This regulation is designed to provide safeguards that will minimize these risks if all the requirements are observed. Undeniably, it is possible that some local health authorities might decline to undertake the role outlined in the rule. Nothing in the rule compels a local authority to carry out this function.

Comment: The health authorities also stated (according to the commenting lender) that contractors would be unable to afford the cost of product liability insurance in an amount necessary to provide insurance to the health authority as well as to the contractor performing inspections. The cost of such insurance, the lender-commenter observed, would have to be passed on to the purchasing homeowner.

Response: Again, where local resources or the willingness to assume responsibility are unavailable to observe the requirements of this regulation, necessary protection cannot be provided for the mortgagor, and the Department will not be in a position to offer mortgage insurance for properties requiring individual water systems.

Comment: Finally, according to the commenter, the health authorities he interviewed said that they would not act to provide "approval" of selected contractors to provide inspections, servicing, etc., because this, too, would risk legal liability for the health authority.

Response: Identification and approval of contractors to provide the necessary services to individual water systems is an essential part of the program. Someone from the local jurisdiction, or from the state, must be willing to assume responsibility for a monitoring plan for this type of equipment. Where P.O.E. or P.O.U. equipment is used by local water companies, EPA rules at 40 CFR parts 141 and 142 require the state or its agency to review and approve a monitoring plan that includes a service plan for the equipment. While in the case of this rule, state/local government participation will be voluntary, the parallel process under the EPA rules should mean that experience with similar monitoring responsibilities exists, and this experience should pave the way for state/local participation in monitoring processes like those outlined in today's rule.

Comment: Given the circumstances he described (summarized above), the lender suggested the adoption of the regulation as proposed would "appear to be an exercise in futility." The commenter recommended a more informal approach—requiring the installation of an appropriate treatment device when contamination is apparent, and having the mortgagor execute a certificate acknowledging his awareness of the contamination and agreeing to maintain the treatment equipment in the future. Going beyond these minimal requirements, the lender said, will prove to be impractical.

Response: The Department has an obligation under the law to act in a cautious and prudent manner in establishing this new procedure. Both life safety and health are at risk for mortgagors or occupants of these properties. In addition, lenders, and the Department as insurer, are entitled to procedures that are designed to assure more than minimal attention to the future livability of the insured property. These considerations are too important to allow either equipment or procedures that are less safe than can be provided through the best available means.

Comment: A state organization representing environmental health officials commented that while a program to allow point-of-entry devices for the financing of existing dwellings might be justifiable, "we find no justification for allowing the financing of new housing under the same criteria." It is inappropriate, the commenter stated, "to knowingly allow new housing stock to be created and financed where the water supply is unsafe. This is a practice contrary to sound public health policy, creating new populations-at-risk which previously did not exist."

With reference to existing housing stock, the commenter did not oppose the use of point-of-entry devices, but stated that the certification process proposed (whether for existing or new housing) is "unworkable and unacceptable to local environmental health authorities in California."

Lender and borrower, the commenter continued, are placed in a "Catch 22" position: While the rule leaves local health officials free not to participate, it suggests to borrowers that a procedure exists for permitting insured financing to be secured.

Response: The thrust of these comments appears to be opposition to the legislation, rather than the methods HUD will employ to comply with the Act.

Comment: The commenter stated that liability and practical concerns would lead to the unwillingness of local health authorities to participate in the certification process—expecially in California. The rule would place local health authorities in a role not authorized by law, and local legal counsels will advise against any such role. Similarly, the commenter said, local health authorities would be unwilling to certify that a point-of-entry system would provide an uninterrupted supply of safe and potable water. Additionally, in California, all point-of-entry devices must have the approval of the State Department of Health Services. Unless a particular device was on the State's approved list, local authorities would have no authority to approve it.

Response: Where a state or locality is not able to participate in this program, mortgage insurance cannot be provided for properties with these particular problems. The local or state health authority is absolutely necessary to the provision of protection of life safety and health afforded by the procedures outlined in this regulation.

V. Requests for Changes in the Rule

Comment: An environmental engineer for a state health and rehabilitative service recommended withdrawing the rule as now written, in order to allow "more time to analyze the situation." The commenter suggested that different areas of the country might require specific plans to meet their needs.

Response: Different types of water contamination require different types of treatment devices and may need individual plans to meet their needs. However, this is not new. Water contamination of different types is being treated on a daily basis, using the necessary equipment to provide safe drinking water. Monitoring plans are in effect and the equipment is being serviced. The Department does not agree that waiting longer to implement a rule to carry out the statutory direction would lead to a better rule.

Comment: Another commenter asked for more information about the estimated number and location of single family developments that would be affected by the rule, and for clarification of how the standards would be applied to developments of single family homes.

Response: No means exists accurately to estimate the number of properties that will apply for mortgage insurance under this authority. Under information collection requirements in the proposed rule, the Department has estimated 1000 applicants per year, nationwide. This may well be a generous estimate—especially after the needs of an initial group of mortgagors, who may have a present need, have been satisfied.

Comment: A commenter representing an association of safe drinking water administrators asked whether the rule would authorize local health authorities to apply drinking water standards that were specific to single family developments, or whether they would be called upon to apply the requirements applicable to public water systems. The commenter observed that 1986 Safe Drinking Water Act amendments required public systems to comply with standards for 83 drinking water contaminants, as well as filtration and disinfection requirements. While application of this standard to single family developments would be "admirable," the commenter said, additional research would be required to determine the costs, to the home buyer and to the state agency, of doing so.

Response: The requirements of the SDW Act only apply to private or public systems that serve more than 25 persons. To assure that all mortgagors have access to potable water, HUD has decided that, to qualify for FHA insurance, homes in systems serving fewer than 25 persons (including individual homes with their own water systems) must comply either with local or state water quality standards or, in the absence of these standards, with the relevant EPA standard.

Comment: An equipment manufacturer recommended that service contractors, rather than manufacturers, be called upon to provide maintenance information, because local service contractors will be more knowledgeable about the specific water quality, and thus more qualified to determine maintenance and replacement needs.

In general, the manufacturer asked for a rule that allowed for more flexibility regarding product testing, and one that permitted point-of-use devices.

Response: The Department believes that the basic responsibility for the manufacture, establishment of maintenance needs, as well as directions for installation and use of the equipment lies with the equipment manufacturer. The role of the service contractor should be to follow the directions and repeat any necessary instructions supplied by the equipment manufacturer. Proper maintenance or servicing of the equipment must be assured.

Point-of-Use devices have been included in this final rule, as discussed under part VII of the preamble.

VI. Support for Use of Residential Water Treatment Systems

Comment: A trade association representing the ground water industry stated its full support for the rule's intention to provide a realistic option to "the importation of water by sometimes extraordinarily expensive water pipelines."

VII. Point of Entry and Point of Use

Comment: Considerable comment was received from industry sources and from the sponsoring Member of Congress on this issue. In general, it was urged that point of use devices be authorized by the rule, in circumstances where dangers from ingestion were the only water-related health concerns present.

A manufacturers' association asked that the rule be expanded to permit "point-of-use" as well as point-of-entry devices. The commenter expressed its view that the rule's prohibition of point-of-use devices "undercuts the plain language of the enabling statute." According to the commenting association, the limitation would deprive consumers of a safe alternative in circumstances when it would prove too costly—and unnecessary—to remove a particular contaminant from all household water, rather than just drinking water.

Quoting the statute (12 U.S.C. 1701z–15(a)), the commenter asserted that the key provision was that the water purification equipment be capable of providing bacterially and chemically safe drinking water. The commenter quoted the following EPA regulations:

"A State may require a public water system to use bottled water or point-of-use devices as a condition for granting an exemption from the requirements of § 141.61(a) of this part." (40 CFR 142.57)

"The State may require a public water system to use bottled water or point of use devices or other means as a condition of granting a variance or an exemption from the requirements of § 141.61(a), to avoid an unreasonable risk to health." (40 CFR 142.62(e))

Finally, the association quoted the amendment's sponsor, Representative Douglas Bereuter of Nebraska, in an August 11, 1988 floor statement about his intention in introducing the amendment earlier. Mr. Bereuter made clear that his intention had been that point-of-use devices providing safe drinking water would be acceptable, unless a contaminant posed a health risk (when the water was used for non-drinking purposes). Remarks of Rep. Bereuter, 134 Cong. Rec. H6969 (Daily Ed.) August 11, 1988.

Summarizing, the commenter urged that the rule allow point-of-use devices when the only contaminant which was of concern in a particular fact situation was drinking water-related. The association "readily acknowledges" that point-of-use equipment will not protect against contaminants contained in water provided at other outlets. "(However) if there is a contaminant which is not removed or reduced by a point-of-use device, then the local public health authority would not certify its use."

The congressional sponsor of the amendment on which HUD's proposed rule is based, Douglas Bereuter of Nebraska, provided comments on the point-of-use issue as well. Mr. Bereuter affirmed that it was his intention as sponsor that point-of-use systems be allowed.

An equipment manufacturer urged that HUD abandon the prohibition on point-of-use equipment, on grounds that the limitation was unrealistic and costly to consumers. It was suggested that point-of-entry requirements should be applied only where a contaminant poses a significant health risk from "non-ingestion exposure routes."

Response: The Department has given careful consideration to the question of point-of-use devices. After reviewing the comments on this subject, HUD has determined that, under proper circumstances, point-of-use devices will afford the same level of protection that will be obtained with point-of-entry devices. This level of protection can only be provided by supplying one of these devices for each water faucet connected to the residential water system. Without this kind of thorough protection, uninformed people—new occupants or visitors—may be exposed to unnecessary danger. Accordingly, the final rule has been modified to permit point-of-use devices where their use is employed on all water outlets in a residential water system.

VIII. Regulations Too Onerous

Comment: An association representing manufacturers and sellers of water quality treatment products expressed its concern that the rule

would impose so many unnecessary and onerous requirements on potential users of water treatment products that is would be "highly unlikely that many homes will be equipped with these devices." The commenter quoted the rule as evidence that HUD itself recognized this fact.

Response: The Department is aware that this is a complex rule. The essence of this rule is the protection of life safety and health through the use and application of highly sophisticated technical equipment on an individual home basis. The only responsible approach to this problem on a national scale is through the use of proven procedures employing the best available trained personnel. Any reduction in the level of protection afforded would be less than responsive to section 424 of the Housing and Community Development Act of 1987.

Comment: The same commenter argued that the rule's provision for approval of water purification equipment by a nationally recognized testing laboratory was objectionable. The commenter asserted that only one private foundation laboratory exists, and that organization, the National Sanitation Foundation, certifies products to standard for removal of only 40 of more than 200 contaminants on the EPA list of primary drinking water contaminants. That laboratory, according to the commenter, can only certify point-of-use equipment. Accordingly, the commenter believes that the combination of the third-party certification requirement and the point-of-entry requirement in the rule would prevent the use of any point-of-entry purification systems.

If HUD insists on equipment certification, the commenter continued, it should permit either third party approval (it is unclear what the commenter believed this would entail) or "self-certification by the unit's manufacturer."

The regulation's failure to define a "nationally recognized testing laboratory" or to identify any such facilities creates an ambiguity, the commenter said, that would give too much discretionary power to local health officials. This power could lead to an effective monopoly for product testing and approval services—at the expense of consumer choice and cost.

In summary, the association recommended that testing be conducted by the manufacturer using "scientifically valid test methods," and that the installer provide the consumer with a water test to show that the product is performing as promised. The installer should also be required to provide the consumer with a maintenance schedule for filter changes, the commenter suggested.

A water purification equipment manufacturer expressed similar concerns. The commenter stated that it had numerous products certified under the standards of the only nationally recognized laboratory, the National Sanitation Foundation, but that NSF standards do not cover all products. For that reason, the commenter urged that it would be inappropriate to mandate that certification by a testing entity be a universal requirement. The manufacturer asked that the rule be modified to provide that equipment must be approved either by a nationally recognized testing laboratory or "tested using scientifically valid test methods."

Response: The Department has discussed this matter with staff at the National Sanitation Foundation, including the question of the number of contaminants for whose removal the Foundation can certify products. The response is that the Foundation is in the process of developing tests and protocols for the entire current list of contaminants published by EPA, and will continue to develop these methodologies for contaminants identified on future lists published by EPA. These tests and protocols extend to both point-of-use and point-of-entry equipment. Foundation personnel explain that lack of requirements has resulted in lack of demand in this area, and that new attention to these needs (such as this regulation) can be expected to result in greater demand, technical attention and laboratory participation in the development of treatment facilities for individual wells.

The question of third party certification on the manufacture of this equipment, as opposed to self-certification, has been considered by the Department. Third party certification serves to provide a periodic check on the quality control procedures of the manufacturer to help assure safe functional equipment. The Department has decided that equipment providing protection to life safety and health fully justifies this level of inspection.

The question of providing a definition for "nationally recognized testing laboratory" poses a different problem. "Nationally recognized testing laboratory" is a term of art used at times to describe a professionally competent organization with licensed personnel, appropriate, properly calibrated equipment and a record of successful experience in analysis and approval of the work described. To reduce the apparent ambiguity of this requirement, the Department has added that such a laboratory must be acceptable to the local or State health authority.

Comment: Representative Bereuter also criticized this aspect of the rule. "My understanding is that no lab test is able to duplicate the many and varied conditions of non-potable water, and thus that any lab test will not accurately reflect whether a purification system will work in all cases. Only a test of the device on the site in which it is to be used would seem to prove accurate."

Response: There is no question that untreated water will have to be tested to provide guidance in the selection of appropriate treatment devices. The final proof of the availability of bacterially and chemically safe drinking water can only be made after treatment devices are in operation. This is the intent of §§ 203.52(b)(3) and 234.64(b)(3).

IX. Notice to Applicant Mortgagors

Comment: A manufacturers' association also questioned the rules's proposed requirement that mortgagors be given notice that a property has a "hazardous water supply." Many public water systems, the commenter asserted, operated under variances from the EPA because of the presence of one or more contaminants in their water supply, but these cities are not required to state that their water is "hazardous." The commenter recommended that no such notice be required, or, alternatively, that the term "hazardous" be replaced with a notice that the "water supply does not meet applicable federal, state or local standards."

Response: The commenter's observation concerning public water systems is correct. However, public systems are required to have a state-approved monitoring plan certified that indicates their maintenance schedule for the system. These monitoring plans include testing and maintenance on a regular basis to assure the state that the water system is safe for human consumption. Copies of the water tests must be submitted to the state on a regular basis. The state is required by EPA to require adequate certification of performance and field testing. In the case of private systems, with no public organization to undertake these functions, it appears both reasonable and prudent to provide case-by-case notice to the occupant of a property with a water supply that may be hazardous to the health of a family.

X. Administration of Escrow Account for Maintenance, Repair and Reserves for Replacement

Comment: A loan servicer commented that while administering an escrow

account for maintenance, repair and reserves for replacement of water purification equipment would be a "servicing nightmare," as a technical matter it could be done.

Response: The Department is aware that servicing escrow accounts—particularly accounts of the type involved in this rule—presents difficulties for a mortgagee. However, there is no practical alternative.

Comment: The Mortgage Bankers Association commented that while the rule proposes that mortgagees escrow estimated amounts for maintenance of the equipment, no remedy is proposed for handling costs that exceed the amount in escrow. In addition, the Association observed that the plan requirements outlined in the rule, if not flexibly administered, carried the potential to be abused by service contractors to the detriment of mortgagors and mortgagees.

Escrow shortages caused by repair or replacement expenses that exceeded the amount escrowed for this purpose would only be acceptable to the mortgagee if the rule provided flexibility to collect the additional funds needed within 30 days. Otherwise, it would be unreasonable to expect lenders to assume liability for expenses over which they have no control, and no expert knowledge in estimating.

Response: Escrow overruns should occur relatively infrequently in this program. When overruns do occur, they are expected to be handled through routine procedures. These include increased payments by the mortgagor, and in some cases, direct assessments.

XI. Maintenance Contracts

Comment: A mortgage lender from California suggested that the organization or individual who contracts to provide maintenance would have to be well-acquainted with the equipment to be serviced, and at least in some states, would need appropriate licensing.

Response: Servicing organizations will have to be fully acquainted with manufacturers instructions for the installation and maintenance of water purification equipment. The certification requirements for local health authorities are intended, insofar as possible, to assure that only qualified organizations will be accepted. Assuring that state licensing requirements are met will be the joint responsibility of local health authorities and the servicing organizations themselves.

Comment: The same commenter estimated that annual testing fees could run as high as $500, depending on the level of testing required. Since this expense would have to be a part of the escrowed account for maintenance, repair and replacement, it would appear that the escrow might prove overly burdensome for the average FHA buyer.

Response: The Department is aware of this potential problem. However, HUD sees no alternative to equipment and upkeep costs necessary to provide chemically and bacterially safe drinking water. Presumably the problem will be self-correcting: If the water supply available to a particular property poses equipment and upkeep costs beyond the mortgagor's willingness to pay, the suitability of the property for residential housing will be judged negatively.

Comment: The MBA reflected that the rule places mortgagors and mortgagees at the mercy of specialized manufacturers, installers and consultants. Particularly in rural areas, the commenter stated, where the number of qualified water contractors may be limited, the tendency may be to make very conservative judgments of potability. This could lead to abuses by contractors. Water that is perfectly safe with a point-of-use system, for example, may be deemed unsafe—not because it is hazardous to mortgagors, but because it would be more profitable to contractors to install a point of entry system.

The maintenance, disclosure and escrow requirements outlined in HUD's proposal, the MBA stated, would be very difficult for lenders to administer. HUD field offices must be absolutely certain that the addition of water purification equipment is in the best interest of mortgagors.

Response: Health authority participation, and laboratories run by professional and usually licensed personnel, should, in HUD's view, generally avert the problem of fraudulent representation of water quality.

Dependency on state and local governments, and the use of qualified laboratories will serve the purpose of assuring the need for water purification equipment, as well as assuring the designation of correct equipment and procedures to remove water impurities.

Other Matters

Paperwork Reduction Act

The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Sections 203.52 and 234.64 of this rule have been determined by the Department to contain collection of information requirements. Information on these requirements is provided as follows:

Description of the Need for Information and its Proposed Use: This information collection will enable HUD to assure that the parties to an insured mortgage transaction involving property without a water supply that is safe and potable in the absence of treatment have taken adequate steps to safeguard the health and safety of inhabitants of the insured dwelling. Submission of the required information to HUD will provide a means for the Department to monitor the efficacy of the procedures provided in the rule, and will ensure that these procedures are carried out as a prerequisite to the availability of mortgage insurance.

The Department solicits comments on the reporting and recordkeeping burdens associated with the "Plan" set out as a feature of this rule, including comments on the Department's estimates of the time required to complete the Plan. Comments are invited on Ways that this burden could be reduced.

Form Number: None.

Respondents: Mortgagors and mortgagees (jointly) who proposed to enter into insured mortgage transactions involving single family dwellings in areas with water supplies requiring treatment.

Frequency of Submission: One submission per insured mortgage transaction.

Reporting Burden:

No. of Respondents	X	Frequency of Response	X	Hours Per Response
7000		1 per year		1.357 hrs.

Total Burden Hours: 9500 hours.

(These estimates assume: 1000 applicants per year, each requiring a total of 9.5 hours in the first year to complete collection of information responses required by the rule. The 9.5 hours includes time for preparation of plans, certifications, service contracts, preparation of escrow reviews, mortgagee certifications, and annual water analyses.

Thereafter, in "out" years, previous year applicants would require one hour per year to complete water analysis—i.e., to obtain samples and tests. Accordingly, in year one the total information burden is estimated at 9500 hours, in year two, 10500 hours '9500 for estimated 1000 applicants + 1000 hours for annual water analysis for previous year's applicants). Burden thereafter would increase by 1000 hours annually, because of accumulation of applicants requiring follow-up testing.

NEPA

A Finding of No Significant Impact with respect to the environment has

been made with reference to the content of this final rule (as revised) in accordance with HUD regulations at 24 CFR part 50, with implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of Rules Docket Clerk at the above address.

Executive Order 12291

This rule does not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The per-unit cost of installing water purification equipment can vary greatly, in a range running from a few hundred dollars to several thousand dollars. However, the estimated cumulative cost of this equipment—even assuming the maximum of 1000 insurance applications under this program in a year's time—could not even approach the dollar costs necessary to cause an economic effect of the magnitude described in Executive Order 12291. The Department estimates that gross equipment costs for the maximum 1000 homes seeking insurance would fall within a range of $1.5 to $2 million per year. In any event, the total cost of this equipment would be an inappropriate measure of the economic burden imposed by the rule, since some portion of these homes would be constructed and equipped with water purification equipment, whether or not FHA mortgage insurance was sought in the financing of the mortgage.

Regulatory Flexibility

The Secretary, in accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), has reviewed this rule before its publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will provide an opportunity, to mortgagors in areas with poor access to public water supplies, to secure FHA mortgage insurance upon demonstrating that an effective means has been arranged to secure safe drinking water through the use of individual water purification systems. Only a relatively small number of mortgagees are expected to be provided mortgage insurance under the circumstances described in the rule. While the requirements associated with the insurance of mortgages under these circumstances are more strenuous than those facing mortgagors and mortgagees in other single family transactions, they are considered the minimum necessary for accomplishing the goal of affording access to mortgage insurance only under circumstances that will assure the safety of the water supply serving the dwelling unit. Given the subject matter, no effective means exist to reduce the regulatory burden to be applied, as it relates to small mortgagees or other small entities affected by the rule.

Semiannual Agenda

This rule was listed as sequence number 1399 on the Department's Semiannual Agenda of Regulations published on October 21, 1991 (56 FR 53380, 53407) in accordance with Executive Order 12291 and Regulatory Flexibility Act.

Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. While the rule provides for the exercise of certain important responsibilities by local or state health authorities, associated with the provision of mortgage insurance, the functions described in the rule are not mandated; local or state health authorities will remain free to participate in the process described in the rule, or to refrain from so participating.

Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule provides a means, under special circumstances, for securing FHA mortgage insurance for otherwise-uninsurable properties, and a means to assure the safety and potability of drinking water serving the premises. Any effect on the family would likely be indirect and insignificant.

Accordingly, the Department proposes to amend 24 CFR parts 200, 203 and 234 as follows:

PART 200—INTRODUCTION

1. The authority citation for part 200 would continue to read as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 200.926d would be amended by revising paragraph (f)(2)(ii) to read as follows:

§ 200.926d Construction requirements.

* * * * *

(f) * * *

(2) * * *

(ii) Water that, to be potable, requires continuing or repetitive treatment to be safe bacterially or chemically shall also comply with the requirements of 24 CFR 203.52 or 24 CFR 234.64, whichever is applicable.

* * * * *

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

3. The authority citation for part 203 would continue to read as follows:

Authority: Secs. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d). In addition, subpart C is issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

4. A new § 203.52 would be added to subpart A, to read as follows:

§ 203.52 Acceptance of individual residential water purification equipment.

If a property otherwise eligible for insurance under this part does not have access to a continuing supply of safe and potable water without the use of a water purification system, the requirements of this section must be complied with as a condition to acceptance of the mortgage for insurance. The mortgagee must provide appropriate documentation with the submission for insurance endorsement to address each of the requirements of this section.

(a) *Equipment.* Water purification equipment must be approved by a nationally recognized testing laboratory acceptable to the local or state health authority.

(b) *Certification by local (or state) health authority.* A local (or state)

health authority certification must be submitted to HUD which certifies that:

(1) A point-of-entry or point-of-use water purification system is currently in operation on the property. If the system in operation employs point-of-use equipment, the purification system must be employed on each water supply source (faucet) serving the property. Where point-of-entry systems are used, separate water supply systems carrying untreated water for flushing toilets may be constructed.

(2) The system is sufficient to assure an uninterrupted supply of safe and potable water adequate to meet household needs.

(3) The water supply, when treated by the equipment, meets the requirements of the local (or state) health authority, and has been determined to meet local or state quality standards for drinking water. If neither state nor local standards are applicable, then quality shall be determined in accordance with standards set by the Environmental Protection Agency (EPA) pursuant to the Safe Drinking Water Act. (EPA standards are prescribed in the National Primary Drinking Water requirements, 40 CFR parts 141 and 142.)

(4) There exists a Plan providing for the monitoring, servicing, maintenance, and replacement of the water equipment, which Plan meets the requirements of paragaph (f) of this section.

(c) *Mortgagor notice and certification.* (1) The prospective mortgagor must have received written notification, before the mortgagor signed a sales contract, that the property has a hazardous water supply that requires treatment in order to remain safe and acceptable for human consumption. The notification to the mortgagor must identify specific contaminants in the water supply serving the property, and the related health hazard arising from the presence of those contaminants.

(2) The mortgagor must have received, with the notification described in paragraph (c)(1) of this section, a written good faith estimate of the maintenance and replacement costs of the equipment necessary to assure continuing safe drinking water.

(3) A copy of the notification statement (including cost estimates), dated before the date of the sales contract, and signed by the prospective mortgagor to acknowledge its receipt, must accompany the submission for insurance endorsement. If a sales contract is signed in advance of the disclosure required by this paragraph, another sales contract must be executed after the information is provided to the prospective mortgagor and he or she has acknowledged receipt of the disclosure.

(4) The prospective mortgagor must sign a certification, substantially in the form set out in this paragraph (c)(4), at the time the application for mortgage credit approval is signed. This certification must be submitted to HUD:

Mortgagor's Certificate. I hereby acknowledge and understand that the home I am purchasing has a water purification system which I am responsible for maintaining.

I undertstand that the individual water supply is unsafe for consumption unless the system is operating properly. I am aware that if I do not properly maintain the system, the water supply will not be purified or treated properly, thereby rendering the water supply unsafe for consumption.

I also understand that the Department of Housing and Urban Development does not warrant the condition of the property, will not give me any money for repairs to the water purification system, and has relied upon the local (or state) health authority to assure that the water supply, when processed by properly maintained equipment, is acceptable for human use and consumption.

[Mortgagor's signature and date]

(d) *Service contract.* Before mortgage closing, the mortgagor must enter into a service contract with an organization or individual specifically approved by the local (or state) health authority to carry out the provisions of the required Plan for servicing, maintenance, repair and replacement of the water purification equipment. A copy of the signed service contract must be provided to HUD.

(e) *Escrow for maintenance and replacement.* The mortgagee must establish and maintain an escrow account which provides for the accumulation of funds paid with the mortgagor's monthly mortgage payment adequate to assure proper servicing, maintenance, repair and replacement of the water purification equipment. The amount to be collected and escrowed by the mortgagee shall be based upon information provided by the manufacturer for the maintenance and replacement of the water purification equipment and for other charges anticipated by the service contractor. The initial monthly escrow amount shall be stated in the Plan. Disbursements from the account will be limited to costs associated with the normal servicing, maintenance, repair or replacement of the water purification equipment. Disbursements may only be made to the service contractor or its successor, to equipment suppliers, to the local (or state) health authority for the performance of testing or other required services, or to another entity approved by the health authority. So long as water purification remains necessary and the mortgage is insured by HUD, the mortgagee must maintain the escrow account.

(f) *Approved Plan.* A Plan, in the form of a contract entered into by the mortgagor and mortgagee and approved by the local (or state) health authority, must set out conditions that must be met by the parties as a condition to insurance of the mortgage by HUD. To be approved by the health authority:

(1) The Plan must set forth the respective responsibilities to be assumed by the mortgagor and the mortgagee, as well as the other entities who will implement the Plan, i.e., the health authority and the service contractor. In particular:

(i) The Plan must set out the responsibilities of the health authority for monitoring and enforcing performance of the service contractor, including any successor contractor that the health authority may later have occasion to name. By its approval of the Plan, the health authority documents its acceptance of these responsibilities, and the Plan should so indicate;

(ii) The Plan must provide for the monitoring of the operation of the water purification equipment, as well as for servicing (including disinfecting), and for repairing and replacing the system, as frequently as necessary, taking into consideration the system's design, anticipated use, and the type and level of contaminants present. Installation, servicing, repair and replacement of the water purification system must be performed by an individual or organization approved for the purpose by the local (or state) health authority and identified in the Plan. In meeting the requirements of paragraph (f)(1)(ii) of this section, the Plan may incorporate by reference specific terms and conditions of the service contract required under paragraph (d) of this section.

(iii) Under the Plan, responsibility for monitoring the performance of the service contractor and for assuring that the water purification system is properly serviced, repaired, and replaced rests with the local (or state) health authority that has given its approval to the Plan. The Plan must confer on the health authority all powers necessary to effect compliance by the service contractor. The health authority's powers shall include the authority to notify the mortgagor of any noncompliance by the service contractor. The plan must provide that, upon any notification of noncompliance received from the health authority, the mortgagor shall have the right to discharge the service contractor

for cause and to appoint a successor organization or individual as service contractor; and

(iv) The Plan must provide for the mortgagor to make periodic escrow payments necessary for the servicing, maintenance, repair and replacement of the water purification system, and for the mortgagee to disburse funds from the escrow account as required, to the appropriate party or parties.

(2) The Plan must provide that if the dwelling served by the water purification system is refinanced, or is sold or otherwise transferred with a HUD-insured mortgage, the Plan will:

(i) continue in full force and effect;

(ii) impose an obligation on the mortgagor to notify any subsequent purchaser or transferee of the necessity for the water purification system and for its proper maintenance, and of the obligation to make escrow payments; and

(iii) require the mortgagor to furnish the purchaser with a copy of the Plan, before any sales contract is signed.

(g) *Periodic analysis.* Any Plan developed in accordance with this section must provide that an analysis of the water supply shall be obtained from the local (or state) health authority no less frequently than annually, but more frequently, if determined at any time to be necessary by the health authority or by the service contractor.

5. In subpart C, § 203.550 would be amended by revising the first sentence in paragraph (c), and by adding a new second sentence to paragraph (c), to read as follows:

§ 203.550 Escrow accounts.

* * * * *

(c) Except in the case of escrow accounts established for the purpose of monitoring, servicing, maintenance and replacement of water purification equipment in accordance with § 203.52 or § 234.64 of this chapter, the mortgagee's estimate of escrow requirements shall be based on the best information available as to probable payments which will be required to be made from the account in the coming year. Mortgagees may, in the case of escrow accounts created for purposes of § 203.52 or § 234.64, estimate escrow requirements based on the best information available as to probable payments which will be required to be made from the account on a periodic basis throughout the period during which the account is maintained.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

6. The authority citation for part 234 continues to read as follows:

Authority: Secs. 211, 234, National Housing Act (12 U.S.C. 1715b, 1715y); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) Section 234.520(a)(2)(ii) is also issued under sec. 201(a), National Housing Act (12 U.S.C. 1707(a)).

7. A new § 234.64 would be added to subpart A, to read as follows:

§ 234.64 Acceptance of individual residential water purification equipment.

If a property otherwise eligible for insurance under this part does not have access to a continuing supply of safe and potable water without the use of a water purification system, the requirements of this section must be complied with as a condition to acceptance of the mortgage for insurance. The mortgagee must provide appropriate documentation with the submission for insurance endorsement to address each of the requirements of this section.

(a) *Equipment.* Water purification equipment must be approved by a nationally recognized testing laboratory acceptable to the local or state health authority.

(b) *Certification by local (or state) health authority.* A local (or state) health authority certification must be submitted to HUD which certifies that:

(1) A point-of-entry or a point-of-use water purification system is currently in operation on the property. If the system in operation employs point-of-use equipment, the purification system must be employed on each water supply source (faucet) serving the property. Where point-of-entry systems are used, separate water supply systems carrying water for flushing toilets may be constructed.

(2) The system is sufficient to assure an uninterrupted supply of safe and potable water.

(3) The water supply, when treated by the equipment, meets the requirements of the local (or state) health authority, and has been determined to meet local or state quality standards for drinking water. If neither state or local standards are applicable, then quality shall be determined in accordance with standards set by the Environmental Protection Agency (EPA) pursuant to the Safe Drinking Water Act. (EPA standards are prescribed in the National Primary Drinking Water requirements, 40 CFR parts 141 and 142.).

(4) Ther exists a Plan providing for the monitoring, servicing, maintenance, and replacement of the water equipment, which Plan meets the requirements of paragraph (f) of this section.

(c) *Mortgagor notice and certification.* (1) The prospective mortgagor must have received written notification, before the mortgagor signed a sales contract, that the property has a hazardous water supply that requires treatment in order to remain safe and acceptable for human consumption. The notification to the mortgagor must identify specific contaminants in the water supply serving the property, and the related health hazard arising from the presence of those contaminants.

(2) The mortgagor must have received, with the notification described in paragraph (c)(1) of this section, a written good faith estimate of the maintenance and replacement costs of the equipment necessary to assure continuing safe drinking water.

(3) A copy of the notification statement (including cost estimates), dated before the date of the sales contract, and signed by the prospective mortgagor to acknowledge its receipt, must accompany the submission for insurance endorsement. If a sales contract is signed in advance of the disclosure required by this paragraph, another sales contract must be executed after the information is provided to the prospective mortgagor and he or she has acknowledged receipt of the disclosure.

(4) The prospective mortgagor must sign a certification, substantially in the form set out in this paragraph (c)(4), at the time the application for mortgage credit approval is signed.

This certification must be submitted to HUD:

Mortgagor's Certificate. I hereby acknowledge and understand that the home I am purchasing has a water purification system which I am responsible for maintaining.

I understand that the individual water supply is unsafe for consumption unless the system is operating properly. I am aware that if I do not properly maintain the system, the water supply will not be purified or treated properly, thereby rendering the water supply unsafe for consumption.

I also understand that the Department of Housing and Urban Development does not warrant the condition of the property, will not give me any money for repairs to the water purification system, and has relied upon the local (or state) health authority to assure that the water supply, when processed by properly maintained equipment, is acceptable for human use and consumption.

[Mortgagor's signature and date]

(d) *Service contract.* Before mortgage closing, the mortgagor must enter into a service contract with an organization or

individual specifically approved by the local (or state) health authority to carry out the provisions of the required Plan for servicing, maintenance, repair and replacement of the water purification equipment. A copy of the signed service contract must be provided to HUD

(e) *Escrow for maintenance and replacement.* The mortgagee must establish and maintain an escrow account which provides for the accumulation of funds paid with the mortgagor's monthly mortgage payment adequate to assure proper servicing, maintenance, repair and replacement of the water purification equipment. The amount to be collected and escrowed by the mortgagee shall be based upon information provided by the manufacturer for the maintenance and replacement of the water purification equipment and for other charges anticipated by the service contractor. The initial monthly escrow amount shall be stated in the Plan. Disbursements from the account will be limited to costs associated with the normal servicing, maintenance, repair or replacement of the water purification equipment. Disbursements may only be made to the service contractor or its successor, to equipment suppliers, to the local (or state) health authority for the performance of testing or other required services, or to another entity approved by the health authority. So long as water purification remains necessary and the mortgage is insured by HUD, the mortgagee must maintain the escrow account.

(f) *Approved Plan.* A Plan, in the form of a contract entered into by the mortgagor and mortgagee and approved by the health authority, must set out conditions that must be met by the parties as a condition to insurance of the mortgage by HUD. To be approved by the health authority:

(1) The Plan must set forth the respective responsibilities to be assumed by the mortgagor and the mortgagee, as well as the other entities who will implement the Plan, i.e., the health authority and the service contractor. In particular:

(i) The Plan must set out the responsibilities of the health authority for monitoring and enforcing performance of the service contractor, including any successor contractor that the health authority may later have occasion to name. By its approval of the Plan, the local (or state) health authority documents its acceptance of these responsibilities, and the Plan should so indicate;

(ii) The Plan must provide for the monitoring of the operation of the water purification equipment, as well as for servicing (including disinfecting), and for repairing and replacing the system, as frequently as necessary, taking into consideration the system's design, anticipated use, and the type and level of contaminants present. Installation, servicing, repair and replacement of the water purification system must be performed by an individual or organization approved for the purpose by the local (or state) health authority and identified in the Plan. In meeting the requirements of paragraph (f)(1)(ii) of this section, the Plan may incorporate by reference specific terms and conditions of the service contract required under paragraph (d) of this section.

(iii) Under the Plan, responsibility for monitoring the performance of the service contractor and for assuring that the water purification system is properly serviced, repaired, and replaced rests with the local (or state) health authority that has given its approval to the Plan. The Plan must confer on the health authority all powers necessary to effect compliance by the service contractor. The health authority's powers shall include the authority to notify the mortgagor of any noncompliance by the service contractor. The plan must provide that, upon any notification of noncompliance received from the health authority, the mortgagor shall have the right to discharge the service contractor for cause and to appoint a successor organization or individual as service contractor; and

(iv) The Plan must provide for the mortgagor to make periodic escrow payments necessary for the servicing, maintenance, repair and replacement of the water purification system, and for the mortgagee to disburse funds from the escrow account as required, to the appropriate party or parties.

(2) The Plan must provide that, if the dwelling served by the water purification system is refinanced, or is sold or otherwise transferred with a HUD-insured mortgage, the Plan will:

(i) continue in full force and effect;

(ii) impose an obligation on the mortagagor to notify any subsequent purchaser or transferee of the necessity for the water purification system and for its proper maintenance, and of the obligation to make escrow payments; and

(iii) require the mortgagor to furnish the purchaser with a copy of the Plan, before any sales contract is signed.

(g) *Periodic analysis.* Any Plan developed in accordance with this section must provide that an analysis of the water supply shall be obtained from the local (or state) health authority no less frequently than annually, but more frequently, if determined at any time to be necessary by the health authority or by the service contractor.

Dated: March 12, 1992.

Arthur J. Hill,

Assistant Secretary for Housing–Federal Housing Commissioner.

[FR Doc. 92–6234 Filed 3–18–92; 8:45 am]

BILLING CODE 4210–33–M

federal register

Thursday,
March 19, 1992

Part III

Department of Education

Graduate Academic Facilities Program; Notice Inviting Applications for One New Award for Fiscal Year (FY) 1992

DEPARTMENT OF EDUCATION

[CFDA No: 84.172]

Graduate Academic Facilities Program; Notice Inviting Applications for One New Award for Fiscal Year (FY) 1992

Purpose of Program: Provide grants for not more than fifty (50) percent of the development cost of the construction, reconstruction, or renovation of graduate academic facilities. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by funding the construction, reconstruction, or renovation of facilities for providing training for emerging technologies and skills. National Education Goal 5 calls for every American to possess the knowledge and skills necessary to compete in a global economy.

Eligible Applicants: Graduate institutions of higher education.

Deadline for Transmittal of Applications: July 15, 1992.

Deadline for Intergovernmental Review: September 14, 1992.

Applications Available: May 15, 1992.

Available Funds: $3,903,319.

Estimated Range of Awards: $3,903,319.

Estimated Average Number of Awards: One.

Project Period: Until completion.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and program regulations in 34 CFR part 619, subparts A, C, E, and F.

Priorities:

Absolute Priority: Under 34 CFR 75.105(c)(3) and sec. 701(a)(5) of title VII of the Higher Education Act of 1965, as amended, the Secretary gives an absolute preference to applications that meet the following absolute priority. The Secretary funds under this competition only an application that meets this absolute priority:

Provision of facilities for advanced skill-training programs that relate to emerging technologies and skill needs.

Competitive Priority: Under 34 CFR 75.105(c)(2)(ii) and sec. 701(b) of the Higher Education Act of 1965, as amended, the Secretary gives preference to applications that meet the following competitive priority. An application that meets this competitive priority is selected by the Secretary over applications of comparable merit that do not meet the priority:

Renovation of academic facilities.

Selection Criteria: Since the Higher Education Amendments of 1986 have not been implemented by regulation, in evaluating grant applications in this competition, the Secretary uses the selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition, the Secretary distributes these points as follows:

Budget and cost effectiveness: (34 CFR 75.210(b)(5)). Fifteen points are added to this criterion for a possible total of 20 points.

For Applications or Information Contact: Sarah Babson, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB 3, Washington, DC 20202-5339. Telephone: (202) 708-6865. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1132c.

Dated: March 9, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92-6346 Filed 3-18-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
March 19, 1992

Part IV

Department of Education

Training Program for Special Programs Staff and Leadership Personnel; Inviting Applications for New Awards for Fiscal Year 1992; Notice

DEPARTMENT OF EDUCATION

[CFDA No: 84.103]

Training Program for Special Programs Staff and Leadership Personnel; Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: Provides grants to institutions of higher education, and other public and private nonprofit institutions and organizations, for projects that improve the operation of the Special Programs for Students from Disadvantaged Backgrounds (Student Support Services, Upward Bound, Talent Search, Educational Opportunity Centers, and the Ronald E. McNair Post-Baccalaureate Achievement programs) by providing training for staff and leadership personnel employed in, or preparing for, employment in such projects. The Training Program for Special Programs Staff and Leadership Personnel (Training Program) supports AMERICA 2000, the President's strategy to move the Nation toward achieving the National Education Goals and educational excellence for all Americans. Training the staff of projects funded under the Special Programs for Students from Disadvantaged Backgrounds improves the effectiveness of these projects in preparing disadvantaged persons for successful entry into and completion of postsecondary education.

Eligible Applicants: Institutions of higher education and other public and private nonprofit institutions and organizations.

Deadline for Transmittal of Applications: May 4, 1992.

Deadline for Intergovernmental Review: July 6, 1992.

Applications Available: March 20, 1992.

Available Funds: $1,800,000.

Estimated Range of Awards: $80,000–$280,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

Priorities: Under 34 CFR 75.105(c)(2)(i) and 34 CFR 642.34, the Secretary gives preference to applications that meet one or more of the following competitive priorities. Under 34 CFR 642.31(f)(2)(iii), the Secretary awards up to 8⅓ points to an application that meets one or more of these priorities in a particularly effective way.

(1) Student financial aid.

(2) Reporting student and project performance.

(3) General project management for new directors.

(4) Coordinating project activities with other available resources and activities.

(5) Assessment of student needs.

(6) Strategies for preparing students for doctoral studies.

For Applications or Information Contact: May J. Weaver, Chief, Special Services Branch, Division of Student Services, U.S. Department of Education, 400 Maryland Avenue, SW., room 3060, ROB #3, Washington, DC 20202–5249. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Services at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1070d, 1070d–1d.

Dated: March 11, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92–6348 Filed 3–18–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Thursday
March 19, 1992

Part V

Department of Education

Office of Postsecondary Education

34 CFR Part 664

Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program; Proposed Rule

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 664

RIN 1840-AB54

Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes amendments to the regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program (34 CFR part 664). The purpose of these proposed regulations is twofold: (1) To improve program quality, efficiency, and flexibility by establishing a funding period of up to three years for the advanced overseas intensive language projects; and (2) To correct a numbering error in a section of the regulations.

DATES: Comments must be received on or before April 20, 1992.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Mr. Ralph Hines, Chief, International Studies Branch, Center for International Education (room 3052, ROB-3), U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5332.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Hines, Telephone: (202) 708-7283. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION:

Background

The Group Projects Abroad Program is one of several programs authorized under section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), Public Law 87-256. It provides grants to institutions of higher education, State departments of education, and private nonprofit educational organizations to support overseas projects in training, research, and curriculum development in modern foreign languages and area studies by teachers, students, and faculty engaged in a common endeavor. One type of project supported under the Group Projects Abroad Program is an advanced overseas intensive language project.

Explanation of Changes

The Secretary proposes to amend § 664.14 of the existing regulations to improve the administration of the program. Specifically, the Secretary proposes to eliminate a restriction of project periods to a one-year duration. This will enable the Secretary to establish a multi-year funding cycle for advanced overseas intensive language projects. A multi-year funding cycle, under which a grantee would conduct activities during each of several consecutive twelve-month periods, would contribute to improved planning, development, and implementation of these complex, nationally-recruited projects by establishing a more predictable funding pattern. Projects funded under an expanded performance period have proven successful in establishing a more effective administrative structure and in attracting outside financial support. The Department also would save the cost of convening an annual academic review panel.

The second proposed amendment would correct a typographical error in the heading "§ 664.2 Who is eligible to participate in projects funded under the Group Projects Abroad Program?" That section number should read "§ 664.3".

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. These regulations merely make a typographical correction and a minor modification in provisions contained in existing regulations.

Paperwork Reduction Act of 1980

These proposed regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 3052, Regional Office Building #3, 7th & D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comments on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 664

Colleges and universities, Education, Educational study programs, Teachers.

(Catalog of Federal and Domestic Assistance Number 84.021, Group Projects Abroad Program)

Dated: February 12, 1992.

Lamar Alexander,

Secretary of Education.

The Secretary proposes to amend part 664 of title 34 of the Code of Federal Regulations as follows:

PART 664—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES—GROUP PROJECTS ABROAD PROGRAM

1. The authority citation for part 664 is revised to read as follows:

Authority: 22 U.S.C. 2452(b)(6), unless otherwise noted.

2. The section designation "§ 664.2" preceding the heading "Who is eligible to participate in projects funded under the Group Projects Abroad Program?" in the text of the regulations is removed and "§ 664.3" is added in its place.

3. In § 664.14, paragraph (a)(2) is revised to read as follows:

§ 664.14 What is an advanced overseas intensive language training project?

(a) * * *

(2) Project activities may be carried out during a full year, an academic year, a semester, a trimester, a quarter, or a summer.

* * * * *

[FR Doc. 92-6349 Filed 3-18-92; 8:45 am]

BILLING CODE 4000-01-M

Federal Register

Thursday
March 19, 1992

Part VI

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for OCTOBER 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53148; FRL 4052-5]

Premanufacture Notices; Monthly Status Report for OCTOBER 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for OCTOBER 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53148)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L-100, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M St., SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during OCTOBER; (b) PMNs received previously and still under review at the end of OCTOBER; (c) PMNs for which the notice review period has ended during OCTOBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during OCTOBER; and (e) PMNs for which the review period has been suspended.Therefore, the OCTOBER 1991 PMN Status Report is being published.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for OCTOBER 1991.

I. 208 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0001 P 92-0002 P 92-0003 P 92-0004
P 92-0005 P 92-0006 P 92-0007 P 92-0008
P 92-0009 P 92-0010 P 92-0011 P 92-0012
P 92-0013 P 92-0014 P 92-0015 P 92-0016
P 92-0017 P 92-0018 P 92-0019 P 92-0020
P 92-0021 P 92-0022 P 92-0023 P 92-0024
P 92-0025 P 92-0026 P 92-0027 P 92-0028
P 92-0029 P 92-0030 P 92-0031 P 92-0032
P 92-0033 P 92-0034 P 92-0035 P 92-0036
P 92-0037 P 92-0038 P 92-0039 P 92-0040
P 92-0041 P 92-0042 P 92-0043 P 92-0044
P 92-0045 P 92-0046 P 92-0047 P 92-0048
P 92-0049 P 92-0050 P 92-0051 P 92-0052
P 92-0053 P 92-0054 P 92-0055 P 92-0056
P 92-0057 P 92-0058 P 92-0059 P 92-0060
P 92-0061 P 92-0062 P 92-0063 P 92-0064
P 92-0065 P 92-0066 P 92-0067 P 92-0068
P 92-0069 P 92-0070 P 92-0071 P 92-0072
P 92-0073 P 92-0074 P 92-0075 P 92-0076
P 92-0077 P 92-0078 P 92-0079 P 92-0080
P 92-0081 P 92-0082 P 92-0083 P 92-0084
P 92-0085 P 92-0086 P 92-0087 P 92-0088
P 92-0089 P 92-0090 P 92-0091 P 92-0092
P 92-0093 P 92-0094 P 92-0095 P 92-0096
P 92-0097 P 92-0098 P 92-0099 P 92-0100
P 92-0101 P 92-0102 P 92-0103 P 92-0104
P 92-0105 P 92-0106 P 92-0107 P 92-0108
P 92-0109 P 92-0110 P 92-0111 P 92-0112
P 92-0113 P 92-0114 P 92-0115 P 92-0116
P 92-0117 P 92-0118 P 92-0119 P 92-0120
P 92-0121 P 92-0122 P 92-0123 P 92-0124
P 92-0125 P 92-0126 P 92-0127 P 92-0128
P 92-0129 P 92-0130 P 92-0131 P 92-0132
P 92-0133 P 92-0134 P 92-0135 P 92-0136
P 92-0137 P 92-0138 P 92-0139 P 92-0140
P 92-0141 P 92-0142 P 92-0143 P 92-0144
P 92-0145 P 92-0146 P 92-0147 P 92-0148
P 92-0149 P 92-0150 P 92-0151 P 92-0152
P 92-0153 P 92-0154 P 92-0155 P 92-0156
P 92-0157 P 92-0158 P 92-0159 P 92-0160
P 92-0161 P 92-0162 P 92-0163 P 92-0164
P 92-0165 P 92-0166 P 92-0167 P 92-0168
P 92-0169 P 92-0170 P 92-0171 P 92-0172
P 92-0173 P 92-0174 P 92-0175 P 92-0232
Y 92-0001 Y 92-0002 Y 92-0003 Y 92-0004
Y 92-0005 Y 92-0006 Y 92-0007 Y 92-0008
Y 92-0009 Y 92-0010 Y 92-0011 Y 92-0012
Y 92-0013 Y 92-0014 Y 92-0015 Y 92-0016
Y 92-0017 Y 92-0018 Y 92-0019 Y 92-0020
Y 92-0021 Y 92-0022 Y 92-0023 Y 92-0024
Y 92-0025 Y 92-0026 Y 92-0027 Y 92-0028
Y 92-0029 Y 92-0030 Y 92-0031 Y 92-0032

II. 304 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237 P 85-0433 P 85-0612 P 85-0619
P 85-1184 P 86-0066 P 86-1315 P 86-1489
P 86-1607 P 87-0105 P 87-0323 P 87-0502
P 87-1872 P 88-0998 P 88-1271 P 88-1272
P 88-1273 P 88-1274 P 88-1460 P 88-1682
P 88-1753 P 88-1807 P 88-1809 P 88-1811
P 88-1937 P 88-1938 P 88-1980 P 88-1982
P 88-1984 P 88-1985 P 88-1999 P 88-2000
P 88-2001 P 88-2100 P 88-2169 P 88-2196
P 88-2212 P 88-2213 P 88-2228 P 88-2229
P 88-2230 P 88-2236 P 88-2484 P 88-2518
P 88-2529 P 89-0254 P 89-0321 P 89-0385
P 89-0386 P 89-0387 P 89-0396 P 89-0538
P 89-0632 P 89-0676 P 89-0721 P 89-0770
P 89-0775 P 89-0836 P 89-0837 P 89-0867
P 89-0957 P 89-0958 P 89-0959 P 89-0963
P 89-1038 P 89-1058 P 89-1062 P 90-0002
P 90-0009 P 90-0158 P 90-0159 P 90-0211
P 90-0237 P 90-0248 P 90-0249 P 90-0260
P 90-0261 P 90-0262 P 90-0263 P 90-0372
P 90-0441 P 90-0550 P 90-0558 P 90-0564
P 90-0581 P 90-0603 P 90-0608 P 90-1280
P 90-1311 P 90-1318 P 90-1319 P 90-1320
P 90-1321 P 90-1322 P 90-1358 P 90-1422
P 90-1464 P 90-1527 P 90-1528 P 90-1529
P 90-1530 P 90-1531 P 90-1564 P 90-1592
P 90-1624 P 90-1635 P 90-1687 P 90-1718
P 90-1720 P 90-1722 P 90-1723 P 90-1745
P 90-1840 P 90-1893 P 90-1937 P 90-1965
P 90-1984 P 90-1985 P 91-0004 P 91-0051
P 91-0101 P 91-0102 P 91-0107 P 91-0108
P 91-0109 P 91-0110 P 91-0111 P 91-0112
P 91-0113 P 91-0118 P 91-0222 P 91-0228
P 91-0230 P 91-0231 P 91-0232 P 91-0233
P 91-0242 P 91-0243 P 91-0244 P 91-0245
P 91-0246 P 91-0247 P 91-0248 P 91-0288
P 91-0328 P 91-0358 P 91-0391 P 91-0442
P 91-0464 P 91-0465 P 91-0466 P 91-0467
P 91-0468 P 91-0469 P 91-0470 P 91-0471
P 91-0472 P 91-0487 P 91-0490 P 91-0501
P 91-0503 P 91-0514 P 91-0521 P 91-0532
P 91-0548 P 91-0572 P 91-0584 P 91-0619
P 91-0659 P 91-0665 P 91-0666 P 91-0688
P 91-0689 P 91-0701 P 91-0732 P 91-0763
P 91-0818 P 91-0826 P 91-0827 P 91-0831
P 91-0853 P 91-0902 P 91-0903 P 91-0905
P 91-0912 P 91-0914 P 91-0915 P 91-0934
P 91-0939 P 91-0940 P 91-0941 P 91-0968
P 91-1000 P 91-1009 P 91-1010 P 91-1011
P 91-1012 P 91-1013 P 91-1014 P 91-1015
P 91-1016 P 91-1017 P 91-1018 P 91-1019
P 91-1020 P 91-1021 P 91-1022 P 91-1023
P 91-1024 P 91-1025 P 91-1026 P 91-1027
P 91-1028 P 91-1029 P 91-1030 P 91-1031
P 91-1032 P 91-1033 P 91-1034 P 91-1035
P 91-1036 P 91-1037 P 91-1038 P 91-1039
P 91-1040 P 91-1041 P 91-1042 P 91-1043
P 91-1044 P 91-1045 P 91-1046 P 91-1047
P 91-1048 P 91-1049 P 91-1050 P 91-1051
P 91-1052 P 91-1053 P 91-1054 P 91-1055
P 91-1056 P 91-1057 P 91-1058 P 91-1059
P 91-1060 P 91-1061 P 91-1062 P 91-1063
P 91-1064 P 91-1065 P 91-1066 P 91-1067
P 91-1068 P 91-1069 P 91-1070 P 91-1071
P 91-1072 P 91-1073 P 91-1074 P 91-1075
P 91-1077 P 91-1116 P 91-1117 P 91-1118
P 91-1131 P 91-1161 P 91-1162 P 91-1163
P 91-1190 P 91-1191 P 91-1206 P 91-1210
P 91-1243 P 91-1279 P 91-1280 P 91-1281
P 91-1282 P 91-1283 P 91-1289 P 91-1297
P 91-1298 P 91-1299 P 91-1321 P 91-1322
P 91-1323 P 91-1324 P 91-1328 P 91-1346
P 91-1361 P 91-1364 P 91-1367 P 91-1368
P 91-1369 P 91-1371 P 91-1372 P 91-1379
P 91-1384 P 91-1386 P 91-1392 P 91-1394
P 91-1409 P 91-1418 P 91-1456 P 91-1464

III. 137 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 86-1607	P 90-1555	P 90-1556	P 90-1721
P 90-1728	P 91-0173	P 91-0174	P 91-0175
P 91-0176	P 91-0181	P 91-0182	P 91-0183
P 91-0184	P 91-0252	P 91-0253	P 91-0363
P 91-0451	P 91-0525	P 91-0527	P 91-0541
P 91-0602	P 91-0981	P 91-1164	P 91-1195
P 91-1197	P 91-1198	P 91-1199	P 91-1200
P 91-1203	P 91-1204	P 91-1205	P 91-1207
P 91-1208	P 91-1209	P 91-1211	P 91-1212
P 91-1213	P 91-1214	P 91-1215	P 91-1216
P 91-1217	P 91-1218	P 91-1219	P 91-1220
P 91-1221	P 91-1222	P 91-1223	P 91-1224
P 91-1225	P 91-1226	P 91-1227	P 91-1228
P 91-1230	P 91-1236	P 91-1237	P 91-1238
P 91-1241	P 91-1242	P 91-1243	P 91-1244
P 91-1245	P 91-1246	P 91-1247	P 91-1248
P 91-1249	P 91-1251	P 91-1252	P 91-1253
P 91-1254	P 91-1255	P 91-1256	P 91-1257
P 91-1258	P 91-1259	P 91-1260	P 91-1261
P 91-1262	P 91-1263	P 91-1264	P 91-1265
P 91-1266	P 91-1267	P 91-1268	P 91-1275
P 91-1276	P 91-1277	P 91-1278	Y 91-0219
Y 91-0220	Y 91-0221	Y 91-0222	Y 91-0223
Y 91-0224	Y 91-0225	Y 91-0226	Y 91-0227
Y 91-0228	Y 91-0229	Y 91-0230	Y 91-0231
Y 91-0232	Y 91-0233	Y 91-0234	Y 91-0235
Y 91-0236	Y 91-0237	Y 91-0238	Y 91-0239
Y 91-0240	Y 91-0241	Y 91-0242	Y 92-0001
Y 92-0002	Y 92-0003	Y 92-0004	Y 92-0005
Y 92-0006	Y 92-0007	Y 92-0008	Y 92-0009
Y 92-0010	Y 92-0011	Y 92-0012	Y 92-0013
Y 92-0014	Y 92-0015	Y 92-0016	Y 92-0017
Y 92-0018	Y 92-0019	Y 92-0020	Y 92-0021
Y 92-0022	Y 92-0023	Y 92-0024	Y 92-0025
Y 92-0026			

IV. 123 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 84-1024	G Alkyl substituted 4-amino, 1-8 naphthalimide	October 10, 1991.
P 85-0578	G Substituted stilbene	September 16, 1991.
P 85-1507	(4-Sulphonamido-benzene-ethyl sulfonyl sulfuric ester-sodium salt)(1,4)(sulfonic acid sodium salt)(2,6) of nickel phthalocyanine	September 21, 1991.
P 86-1048	G *N,N*-dimethyletanedithiomide	February 23, 1987
P 87-0214	G Polyester with neopentyl glycol	March 2, 1987
P 87-0217	G Copolymer with neopenty glycol	March 25, 1991.
P 87-1086	G Isopropoxyethylsalicylat	December 8, 1987.
P 88-0430		August 8, 1991.
P 88-0933	G Cycloaliphatic amine adduct	August 26, 1991
P 88-1269	G 5,5',7-Indigotrisulfonic acid	August 30, 1991.
P 88-1270	Propenedioic acid, neopotassium salt	August 10, 1988.
P 88-2180	G Aliphtatic epoxy monomer	August 16, 1991
P 88-2183	G Polyamide modified acrylic resin	January 9, 1989.
P 88-2188	Poly(oxy-1,2-ethanediyl),alpha-hydro-omega-(oxiranylmethoxy)-ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1)	August 7, 1991
P 88-2362	G Alkoxylated ammonium sulfonated	September 12, 1991.
P 88-2519	G Isocyanate terminated polyester polyol	August 26, 1991
P 89-0004	2-(2-(2-Hydroxyethoxy)ethoxy)ethoxy)ethylamine	September 15, 1991.
P 89-0671	G Aromatic hydrocarbon	December 10, 1989.
P 89-0696	Tetraethelene glycol and ammonia	September 15, 1991.
P 89-0719	G Acrylic resin solution	September 23, 1991.
P 89-0837	G Phosphorylated polyester	March 5, 1990.
P 89-0941	G Ethylene vs methyacrylate	September 11, 1991.
P 89-0961	G Substituted aniline	June 6, 1990.
P 90-0142	G Tris(disubstituted alkyl)heterocycle	August 14, 1991
P 90-0337	G Rosin maleic anhydride substituted phenol formaldehyde pentaerythritol polymer	September 5, 1991.
P 90-0482	G Hexanedioic acid, polymer with branched alkyldiol	September 9, 1991.
P 90-0633	G Adhesion promoter	August 14, 1991
P 90-0671	G Polyalkylene glycol	October 1, 1991
P 90-1362	G Polyester	September 12, 1991.
P 90-1456	G Acrylate copolymer	September 25, 1991.
P 90-1536	G Polyhydantion	September 4, 1991.
P 90-1551	Soyabean oil, linseed oil, glycerine, chlorendic anhydride alkyd resin modified with styrene, vinyl-toluene, and methyl methacrylate	October 15, 1991.
P 90-1563	2-Naphthalene sulfonamide, 6-amino-*N*-methyl	October 2, 1991
P 90-1697	G Metal carboxyl carboxylate	August 21, 1991
P 90-1866	G Metal alkyl chloride	September 12, 1991.
P 90-1917	G Modified polyvinylbutyral	July 31, 1991.
P 90-1935	G Acrylated polyester	October 2, 1991.
P 90-1979	G Acrylated polysiloxane	August 7, 1991.
P 90-1980	G Acrylated polysiloxane	August 7, 1991.
P 91-0025	G Blocked polyisocyanate	September 5, 1991.
P 91-0047	G DPD salt, i.e. salt of *N,N*-diethyl-*P*-phenylenedia mine	July 31, 1991
P 91-0050	G Epoxy terminated polymer of polyetheramine and bisphenol A	March 15, 1991
P 91-0073	Carboxylic acid, C_7-C_9 branched	September 24, 1991.

IV 123 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0079	G Fatty acids, C_{18}-unsaturated,dimers,polymers with etylenediamine,diamines, a dicarboxylic acid and a monocarboxylic acid.	September 23, 1991.
P 91-0083	G Polyamide.	July 12, 1991.
P 91-0090	G Glycol half ester of mhhp/hhp acid.	January 30, 1991.
P 91-0093	G Acrylic copolymer intermediate.	February 26, 1991
P 91-0121	G Zinc carboxylate.	September 6, 1991.
P 91-0139	G Urethane modified epoxy resin.	September 19, 1991.
P 91-0188	G Substituted ethyl alkyl ester.	September 10, 1991.
P 91-0216	G Dimethylethanolamine salt of styrene-acrylate copolymer with epoxy ester.	September 5, 1991.
P 91-0272	G Functionalized acrylic copolymer.	August 8, 1991.
P 91-0288	G Alkoxylated dialky-diethylene triamine, alkyl sulfate salt.	September 17, 1991.
P 91-0299	G Amine salt of acrylic polymer.	August 29, 1991.
P 91-0315	G Copolymer of butylmethacrylate,methacrylate, exthoxylated, an aromaic and A heterocyclic vinyl compound.	October 9, 1991.
P 91-0322	G Salt of alkene substituted with alkyl carboxyaryl oxo substituted pyrazoles.	August 27, 1991.
P 91-0344	3-Methylphenoxyethanol.	September 18, 1991.
P 91-0346	G Fatty acid ester.	October 1, 1991.
P 91-0383	G Unsaturated, cyclic siloxane polymers.	August 26, 1991.
P 91-0403	G Brominated triazine derivative.	September 17, 1991.
P 91-0418	G Fluorinated polyurethane.	August 28, 1991.
P 91-0430	G Acrylated shellac.	August 8, 1991.
P 91-0442	G Ethylene oxide adduct of fatty acid ester with pentaerythritol.	September 17, 1991.
P 91-0502	G Urethane acrylate.	September 3, 1991.
P 91-0512	G Monosubstituted benzylic isocycnate, urehane with hydroxyalkyl substituted heterocycle.	September 12, 1991.
P 91-0533	G Perfluoropolyether.	August 30, 1991
P 91-0560	G Polyacrylate resin.	October 7, 1991.
P 91-0562	4,4'-Diphenylmethane diisocyanate; trimethylol propane; 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3 propanediol and hexanedioic acid 1,3-benzenedicarboxylic acid, polymer with hexanedioicacid and 2,2'-oxobis(ethanol)..	August 17, 1991
P 91-0579	L-lysine, N6-(1-oxododecyl)-	September 16, 1991.
P 91-0583	G Propargylalcoholpropoxylate.	August 28, 1991
P 91-0586	G Alkyl siloxane.	August 26, 1991
P 91-0604	Acetic acid, (((3,5-bis(1,1-dimethylethyl)-4-hydroxyphenyl)thio)-, C_{10-14}-isoalkyl)esters.	October 7, 1991.
P 91-0627	Modified maleic anhydride/terpentine resin.	June 22, 1991.
P 91-0637	G Silane modified ethylene polymer.	September 10, 1991.
P 91-0669	G Silicone polymer.	August 20, 1991.
P 91-0673	G Polyether polyol.	September 8, 1991.
P 91-0682	G Polyacrylate ester.	August 15, 1991.
P 91-0743	G Fatty acid ester.	August 19, 1991.
P 91-0781	G Polyamic acid.	August 12, 1991
P 91-0782	G Polyimide.	August 19, 1991.
P 91-0793	Bisphenol A diglycidyl ether; bis-(3-aminopropyl)-methylamine; isophorone diamine.	August 8, 1991.
P 91-0794	G Polyurea-epoxy composite polymer.	August 13, 1991.
P 91-0804	G Silyl phosphate.	August 25, 1991.
P 91-0805	G Silyl phosphate.	August 25, 1991.
P 91-0806	G Poloxyalkylene glycol ether.	September 22, 1991.
P 91-0816	G Homopolymer of 4-ethenylphenol plus initiator end groups/fragments.	September 19, 1991.
P 91-0821	G Cresol novolak resin.	August 20, 1991.
P 91-0829	G Diazo naphthoquinone sulfonic ester	August 20, 1991.
P 91-0830	G Diazo naphthoquinone sulfonic ester	July 31, 1991.
P 91-0835	G Metal arsenate.	September 26, 1991.
P 91-0847	G Polyamide resin.	September 25, 1991.
P 91-0890	G Phenylazo-*N*-phenylazophenylbenzamide, alkyl derivative.	August 21, 1991.
P 91-0917	G Epoxidized polyaromatic resin.	August 30, 1991
P 91-0919	G Styrene acrylic copolymer	August 23, 1991.
P 91-0933	G Amine reacted polymer of an alipatic with a polycaprolacetone diol.	August 26, 1991.
P 91-0965	G Organopolysiloxane.	September 19, 1991.
P 91-0967	G Modified organosilane.	September 19, 1991.
P 91-0969	G Aryl substituted copper phthalocyanie.	September 12, 1991.
P 91-0971	G Epoxy ester of C_{18} fatty acids.	September 10, 1991.

IV. 123 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0974	G Hydroxy functional acrylic polymer	September 13, 1991.
P 91-0991	G Copolymer of acrylic acid, acrylamide, styrene andacrylic esters	September 5, 1991.
P 91-0996	G Poly oxy propyl bis cyclohexyl-amine functional polymer	August 29, 1991.
P 91-1001	G Aqueous aliphatic polyurethane dispersion	September 20, 1991.
P 91-1007	G Alkyd	September 24, 1991.
P 91-1008	G Alkyd	September 24, 1991.
P 91-1082	G Amine-terminated polyurethane	September 23, 1991.
P 91-1083	G Aluminum isopropoxide, reaction products with alcohol and ester	October 11, 1991.
P 91-1092	G Sulfurized liquid wax esters	September 10, 1991.
P 91-1093	Reaction product of unsaturated fatty esters(C_{14-18}, C_{16-22} fatty acids and 2-octyl-1-dodecanyl) with di-butyl hydrogen phosphite	September 28, 1991.
P 91-1100	1,1,2,3,3,-Hexofluoro-1-propane, oxidizd, polymerized, modified	September 12, 1991.
P 91-1121	G Polyoxyalkylene polyester urethane block polymer	October 9, 1991.
P 91-1160	G Amine mono and di-dodecyl phenoxy benzene sulfonate	September 23, 1991.
P 91-1169	G Hydrogenated dimerized C_{18}, unsaturated fatty acid, hexamethylene diamine, alkane diamine, acid functional hydroocarbon, sebasic acid polymer..	October 3, 1991.
P 91-1172	G Alpha alkene copolymer with alpha alkene	October 4, 1991.
Y 87-0221	G Isophthalic acid resin	September 27, 1991.
Y 90-0017	G Acrylic polymer	June 25, 1991.
Y 90-0026	G Polymer of aromatic diacid, cycloaliphatic diacid and diol	August 26, 1991.
Y 91-0070	G Polyimide resin	October 1, 1991.
Y 91-0102	G Polymers: alkyl acrylate, styrene	September 24, 1991.
Y 91-0120	G Polycaprolactone-based polyurethane-urea	September 18, 1991.
Y 91-0170	G Rosin polymer, glycol ester	September 9, 1991.
Y 91-0177	G Poly(methyl methacrylate-co-imide)	August 22, 1991.
Y 91-0184	G Crosslinked rubber	August 20, 1991.

V. 30 Premanufacture notices for which the period has been suspended.

PMN No.

P 91-0659 P 91-0939 P 91-0940 P 91-0941
P 91-1122 P 91-1123 P 91-1124 P 91-1125
P 91-1126 P 91-1127 P 91-1128 P 91-1129
P 91-1206 P 91-1210 P 91-1231 P 91-1232
P 91-1233 P 91-1234 P 91-1235 P 91-1239
P 91-1240 P 91-1250 P 91-1269 P 91-1279
P 91-1280 P 91-1281 P 91-1282 P 91-1283
P 92-0042 P 92-0060

[FR Doc. 92-6394 Filed 3-18-92; 8:45 am]

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Federal Register

Thursday
March 19, 1992

Part VII

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for NOVEMBER 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53149; FRL 4052-6]

Premanufacture Notices; Monthly Status Report for NOVEMBER 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for NOVEMBER 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53149)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L-100, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M St., SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during NOVEMBER; (b) PMNs received previously and still under review at the end of NOVEMBER; (c) PMNs for which the notice review period has ended during NOVEMBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during NOVEMBER; and (e) PMNs for which the review period has been suspended. Therefore, the NOVEMBER 1991 PMN Status Report is being published.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for NOVEMBER 1991.

I. 126 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0176 P 92-0177 P 92-0178 P 92-0179
P 92-0180 P 92-0181 P 92-0182 P 92-0183
P 92-0184 P 92-0185 P 92-0186 P 92-0187
P 92-0188 P 92-0189 P 92-0190 P 92-0191
P 92-0192 P 92-0193 P 92-0194 P 92-0195
P 92-0196 P 92-0197 P 92-0198 P 92-0199
P 92-0200 P 92-0201 P 92-0202 P 92-0203
P 92-0204 P 92-0205 P 92-0206 P 92-0207
P 92-0208 P 92-0209 P 92-0210 P 92-0211
P 92-0212 P 92-0213 P 92-0214 P 92-0215
P 92-0216 P 92-0217 P 92-0218 P 92-0219
P 92-0220 P 92-0221 P 92-0222 P 92-0223
P 92-0224 P 92-0225 P 92-0226 P 92-0227
P 92-0228 P 92-0229 P 92-0230 P 92-0231
P 92-0233 P 92-0234 P 92-0235 P 92-0236
P 92-0237 P 92-0238 P 92-0239 P 92-0240
P 92-0241 P 92-0242 P 92-0243 P 92-0244
P 92-0245 P 92-0246 P 92-0247 P 92-0248
P 92-0249 P 92-0250 P 92-0251 P 92-0252
P 92-0253 P 92-0254 P 92-0255 P 92-0256
P 92-0257 P 92-0258 P 92-0259 P 92-0260
P 92-0261 P 92-0262 P 92-0263 P 92-0264
P 92-0265 P 92-0292 Y 92-0033 Y 92-0034
Y 92-0035 Y 92-0036 Y 92-0037 Y 92-0038
Y 92-0039 Y 92-0040 Y 92-0041 Y 92-0042
Y 92-0043 Y 92-0044 Y 92-0045 Y 92-0046
Y 92-0047 Y 92-0048 Y 92-0049 Y 92-0050
Y 92-0051 Y 92-0052 Y 92-0053 Y 92-0054
Y 92-0055 Y 92-0056 Y 92-0057 Y 92-0058
Y 92-0059 Y 92-0060 Y 92-0061 Y 92-0062
Y 92-0063 Y 92-0064 Y 92-0065 Y 92-0066
Y 92-0067 Y 92-0068

II. 325 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237 P 85-0433 P 85-0612 P 85-0619
P 85-1184 P 86-0066 P 86-1315 P 86-1489
P 86-1607 P 87-0105 P 87-0323 P 87-0502
P 87-1872 P 88-0998 P 88-1271 P 88-1272
P 88-1273 P 88-1274 P 88-1460 P 88-1682
P 88-1753 P 88-1807 P 88-1809 P 88-1811
P 88-1937 P 88-1938 P 88-1980 P 88-1982
P 88-1984 P 88-1985 P 88-1999 P 88-2000
P 88-2001 P 88-2100 P 88-2169 P 88-2196
P 88-2212 P 88-2213 P 88-2228 P 88-2229
P 88-2230 P 88-2236 P 88-2484 P 88-2518
P 88-2529 P 89-0254 P 89-0321 P 89-0385
P 89-0386 P 89-0387 P 89-0396 P 89-0538
P 89-0632 P 89-0676 P 89-0721 P 89-0770
P 89-0775 P 89-0836 P 89-0837 P 89-0867
P 89-0957 P 89-0958 P 89-0959 P 89-0963
P 89-1038 P 89-1058 P 89-1062 P 90-0002
P 90-0009 P 90-0158 P 90-0159 P 90-0211
P 90-0237 P 90-0248 P 90-0249 P 90-0260
P 90-0261 P 90-0262 P 90-0263 P 90-0372
P 90-0441 P 90-0550 P 90-0558 P 90-0564
P 90-0581 P 90-0603 P 90-0608 P 90-1280
P 90-1311 P 90-1318 P 90-1319 P 90-1320
P 90-1321 P 90-1322 P 90-1358 P 90-1422
P 90-1464 P 90-1527 P 90-1528 P 90-1529
P 90-1530 P 90-1531 P 90-1564 P 90-1592
P 90-1624 P 90-1635 P 90-1687 P 90-1718
P 90-1720 P 90-1722 P 90-1723 P 90-1745
P 90-1840 P 90-1893 P 90-1937 P 90-1965
P 90-1984 P 90-1985 P 91-0004 P 91-0051
P 91-0101 P 91-0102 P 91-0107 P 91-0108
P 91-0109 P 91-0110 P 91-0111 P 91-0112
P 91-0113 P 91-0118 P 91-0222 P 91-0228
P 91-0230 P 91-0231 P 91-0232 P 91-0233
P 91-0242 P 91-0243 P 91-0244 P 91-0245
P 91-0246 P 91-0247 P 91-0248 P 91-0288
P 91-0328 P 91-0358 P 91-0391 P 91-0442
P 91-0464 P 91-0465 P 91-0466 P 91-0467
P 91-0468 P 91-0469 P 91-0470 P 91-0471
P 91-0472 P 91-0487 P 91-0490 P 91-0501
P 91-0503 P 91-0514 P 91-0521 P 91-0532
P 91-0548 P 91-0572 P 91-0584 P 91-0619
P 91-0659 P 91-0665 P 91-0666 P 91-0688
P 91-0689 P 91-0701 P 91-0732 P 91-0763
P 91-0818 P 91-0826 P 91-0827 P 91-0831
P 91-0853 P 91-0902 P 91-0903 P 91-0905
P 91-0912 P 91-0914 P 91-0915 P 91-0934
P 91-0939 P 91-0940 P 91-0941 P 91-0968
P 91-1000 P 91-1009 P 91-1010 P 91-1011
P 91-1012 P 91-1013 P 91-1014 P 91-1015
P 91-1016 P 91-1017 P 91-1018 P 91-1019
P 91-1020 P 91-1021 P 91-1022 P 91-1023
P 91-1024 P 91-1025 P 91-1026 P 91-1027
P 91-1028 P 91-1029 P 91-1030 P 91-1031
P 91-1032 P 91-1033 P 91-1034 P 91-1035
P 91-1036 P 91-1037 P 91-1038 P 91-1039
P 91-1040 P 91-1041 P 91-1042 P 91-1043
P 91-1044 P 91-1045 P 91-1046 P 91-1047
P 91-1048 P 91-1049 P 91-1050 P 91-1051
P 91-1052 P 91-1053 P 91-1054 P 91-1055
P 91-1056 P 91-1057 P 91-1058 P 91-1059
P 91-1060 P 91-1061 P 91-1062 P 91-1063
P 91-1064 P 91-1065 P 91-1066 P 91-1067
P 91-1068 P 91-1069 P 91-1070 P 91-1071
P 91-1072 P 91-1073 P 91-1074 P 91-1075
P 91-1077 P 91-1116 P 91-1117 P 91-1118
P 91-1131 P 91-1161 P 91-1162 P 91-1163
P 91-1190 P 91-1191 P 91-1206 P 91-1210
P 91-1243 P 91-1279 P 91-1280 P 91-1281
P 91-1282 P 91-1283 P 91-1289 P 91-1297
P 91-1298 P 91-1299 P 91-1321 P 91-1322
P 91-1323 P 91-1324 P 91-1328 P 91-1346
P 91-1361 P 91-1364 P 91-1367 P 91-1368
P 91-1369 P 91-1371 P 91-1372 P 91-1379
P 91-1384 P 91-1386 P 91-1392 P 91-1394
P 91-1409 P 91-1418 P 91-1456 P 91-1464
P 92-0001 P 92-0002 P 92-0003 P 92-0031
P 92-0032 P 92-0033 P 92-0034 P 92-0035
P 92-0036 P 92-0044 P 92-0048 P 92-0063
P 92-0066 P 92-0067 P 92-0068 P 92-0129
P 92-0156 P 92-0157 P 92-0159 P 92-0168
P 92-0169

III. 94 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 90-1730 P 91-0074 P 91-0899 P 91-0936
P 91-0937 P 91-1122 P 91-1123 P 91-1124
P 91-1125 P 91-1126 P 91-1127 P 91-1128
P 91-1129 P 91-1229 P 91-1270 P 91-1271
P 91-1272 P 91-1273 P 91-1274 P 91-1284
P 91-1285 P 91-1286 P 91-1287 P 91-1290
P 91-1291 P 91-1292 P 91-1293 P 91-1294
P 91-1295 P 91-1296 P 91-1300 P 91-1301
P 91-1302 P 91-1303 P 91-1304 P 91-1306

P 91-1307	P 91-1308	P 91-1309	P 91-1310	P 91-1332	P 91-1333	P 91-1334	P 91-1335	P 91-1358	P 91-1359	P 91-1360	P 91-1362
P 91-1311	P 91-1312	P 91-1313	P 91-1314	P 91-1336	P 91-1337	P 91-1343	P 91-1344	P 91-1363	P 91-1365	P 91-1366	Y 92-0027
P 91-1315	P 91-1316	P 91-1317	P 91-1318	P 91-1345	P 91-1346	P 91-1348	P 91-1349	Y 92-0028	Y 92-0029	Y 92-0030	Y 92-0031
P 91-1319	P 91-1320	P 91-1325	P 91-1326	P 91-1350	P 91-1351	P 91-1352	P 91-1353	Y 92-0032	Y 92-0033	Y 92-0034	Y 92-0035
P 91-1327	P 91-1329	P 91-1330	P 91-1331	P 91-1354	P 91-1355	P 91-1356	P 91-1357	Y 92-0036	Y 92-0037		

IV. 45 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 81-0656	G Halogenated nitrotoluene derivative	September 1, 1982.
P 85-0433	1-Propanol,3-mercapto-	April 20, 1987.
P 85-0443	G Bis-(substituted alkyl) disulfide	May 22, 1985.
P 87-1881	G Cycloaliphatic amine	June 10, 1991.
P 88-0217	Tetrachloroethylene (solvent)	May 26, 1988.
P 88-1933	G Poly(alkyl methacrylate-succinic)alkyl imides	October 16, 1991.
P 88-2330	G Amine-modified epoxy resin	October 17, 1991.
P 90-0911	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof	October 18, 1991.
P 90-1408	G Unsaturated aliphatic alcohol	November 7, 1991.
P 90-1465	G Styrene vinyl acetate stock copolymer	October 23, 1991.
P 90-1508	Barium yttrium oxide tungstate	September 21, 1990.
P 91-0028	G Modified acrylate	September 17, 1991.
P 91-0127	G Hydroxy functional acrylic copolymer	September 17, 1991.
P 91-0221	G Epoxy resin modified with acetoacetate	October 1, 1991.
P 91-0327	G Dialkyldialkoxysilane	October 26, 1991.
P 91-0440	G Isobensofurandione, derivative	October 15, 1991.
P 91-0609	G Alkyl grignard reagent	October 26, 1991.
P 91-0685	G Rosin modified phenolic resin	September 18, 1991.
P 91-0849	G Alkyd resin polymer	October 15, 1991.
P 91-0892	G Polysiloxane polyoxyalkylene ether	October 20, 1991.
P 91-1109	G Polymer	October 24, 1991.
P 91-1130	G Polyester polyurethane	October 11, 1991.
P 91-1147	G Pyrrolopyrrol	November 6, 1991.
P 91-1287	G Silicone-imide block copolymer	November 6, 1991.
Y 89-0004	G Polyester resin	October 1, 1991.
Y 91-0137	G Modified vegetable oil	October 18, 1991.
Y 91-0156	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991
Y 91-0158	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0159	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0160	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0192	G Aqueous acrylic polymer	October 18, 1992.
Y 91-0195	G Aqueous acrylic polymer	October 18, 1992.
Y 91-0196	G Aqueous acrylic polymer	October 18, 1991.
Y 91-0197	G Aqueous acrylic polymer	October 18, 1991
Y 91-0198	G Aqueous acrylic polymer	October 18, 1991
Y 91-0199	G Silicones and silicones, dimethyl, methyl alkyl	October 15, 1991
Y 91-0200	G Dimer fatty acid isophthalate polyester polymer	November 7, 1991.
Y 91-0218	G Olin copolymer	October 15, 1991.
Y 91-0221	G Aqueous acrylic polymer	October 18, 1991.
Y 91-0222	G Aqueous acrylic polymer	October 18, 1991
Y 91-0223	G Aqueous acrylic polymer	October 18, 1991
Y 91-0225	G Aqueous acrylic polymer	October 18, 1991
Y 91-0228	G Aqueous acrylic polymer	October 21, 1991
Y 91-0240	Castor oil; linseed oil, oxidized; homopolymer of hexamethylene; diisocyanate; alkyd resin, acrylic modified	October 30, 1991
Y 91-0242	G Coconut based polyester	October 21, 1991

V. 21 Premanufacture notices for which the period has been suspended.

PMN No.

P 91-1229	P 91-1288	P 91-1289	P 91-1297
P 91-1298	P 91-1299	P 91-1305	P 91-1321
P 91-1322	P 91-1323	P 91-1324	P 91-1328
P 91-1338	P 91-1340	P 91-1341	P 91-1342
P 91-1347	P 91-1361	P 91-1364	P 91-1371
P 91-1379			

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federal register

Thursday
March 19, 1992

Part VIII

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for DECEMBER 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53150; FRL 4052-7]

Premanufacture Notices; Monthly Status Report for DECEMBER 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for DECEMBER 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53150)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M Street, SW., rm. L-100, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during DECEMBER; (b) PMNs received previously and still under review at the end of DECEMBER; (c) PMNs for which the notice review period has ended during DECEMBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during DECEMBER; and (e) PMNs for which the review period has been suspended. Therefore, the DECEMBER 1991 PMN Status Report is being published.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for DECEMBER 1991.

I. 114 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0266 P 92-0267 P 92-0268 P 92-0269
P 92-0270 P 92-0271 P 92-0272 P 92-0273
P 92-0274 P 92-0275 P 92-0276 P 92-0277
P 92-0278 P 92-0279 P 92-0280 P 92-0281
P 92-0282 P 92-0283 P 92-0284 P 92-0285
P 92-0286 P 92-0287 P 92-0288 P 92-0289
P 92-0290 P 92-0291 P 92-0293 P 92-0294
P 92-0295 P 92-0296 P 92-0297 P 92-0299
P 92-0300 P 92-0301 P 92-0302 P 92-0303
P 92-0304 P 92-0305 P 92-0306 P 92-0307
P 92-0308 P 92-0309 P 92-0310 P 92-0311
P 92-0312 P 92-0313 P 92-0314 P 92-0315
P 92-0316 P 92-0317 P 92-0318 P 92-0319
P 92-0320 P 92-0321 P 92-0322 P 92-0323
P 92-0324 P 92-0325 P 92-0326 P 92-0327
P 92-0328 P 92-0329 P 92-0330 P 92-0331
P 92-0332 P 92-0333 P 92-0334 P 92-0335
P 92-0336 P 92-0337 P 92-0338 P 92-0339
P 92-0340 P 92-0341 P 92-0342 P 92-0343
P 92-0344 P 92-0345 P 92-0346 P 92-0347
P 92-0348 P 92-0349 P 92-0350 P 92-0351
P 92-0352 P 92-0353 P 92-0354 P 92-0355
P 92-0356 P 92-0357 P 92-0358 P 92-0359
P 92-0360 P 92-0361 P 92-0362 P 92-0363
P 92-0364 P 92-0365 P 92-0366 P 92-0367
P 92-0368 P 92-0369 Y 92-0069 Y 92-0070
Y 92-0071 Y 92-0072 Y 92-0073 Y 92-0074
Y 92-0075 Y 92-0076 Y 92-0077 Y 92-0078
Y 92-0079 Y 92-0080

II. 375 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237 P 84-0660 P 85-0433 P 85-0619
P 85-1184 P 86-1489 P 86-1607 P 87-0105
P 87-0323 P 87-0502 P 87-1872 P 88-0831
P 88-0998 P 88-1271 P 88-1272 P 88-1273
P 88-1274 P 88-1682 P 88-1753 P 88-1807
P 88-1809 P 88-1811 P 88-1937 P 88-1938
P 88-1980 P 88-1982 P 88-1984 P 88-1985
P 88-1999 P 88-2000 P 88-2001 P 88-2100
P 88-2169 P 88-2196 P 88-2212 P 88-2213
P 88-2228 P 88-2229 P 88-2230 P 88-2236
P 88-2484 P 88-2518 P 88-2529 P 89-0089
P 89-0090 P 89-0091 P 89-0254 P 89-0321
P 89-0385 P 89-0386 P 89-0387 P 89-0396
P 89-0538 P 89-0676 P 89-0697 P 89-0721
P 89-0775 P 89-0836 P 89-0837 P 89-0867
P 89-0957 P 89-0958 P 89-0959 P 89-0963
P 89-1038 P 89-1058 P 90-0002 P 90-0009
P 90-0158 P 90-0159 P 90-0211 P 90-0237
P 90-0248 P 90-0249 P 90-0260 P 90-0261
P 90-0262 P 90-0263 P 90-0372 P 90-0441
P 90-0550 P 90-0564 P 90-0581 P 90-0603
P 90-0608 P 90-0707 P 90-1280 P 90-1311
P 90-1318 P 90-1319 P 90-1320 P 90-1321
P 90-1322 P 90-1358 P 90-1422 P 90-1464
P 90-1511 P 90-1527 P 90-1528 P 90-1529
P 90-1530 P 90-1531 P 90-1564 P 90-1592
P 90-1624 P 90-1687 P 90-1718 P 90-1720
P 90-1722 P 90-1723 P 90-1745 P 90-1797
P 90-1840 P 90-1893 P 90-1937 P 90-1965
P 90-1984 P 90-1985 P 91-0004 P 91-0051
P 91-0101 P 91-0102 P 91-0107 P 91-0108
P 91-0109 P 91-0110 P 91-0111 P 91-0112
P 91-0113 P 91-0118 P 91-0177 P 91-0178
P 91-0179 P 91-0180 P 91-0222 P 91-0228
P 91-0230 P 91-0231 P 91-0232 P 91-0233
P 91-0242 P 91-0243 P 91-0244 P 91-0245
P 91-0246 P 91-0247 P 91-0248 P 91-0288
P 91-0328 P 91-0358 P 91-0391 P 91-0442
P 91-0464 P 91-0465 P 91-0466 P 91-0467
P 91-0468 P 91-0469 P 91-0470 P 91-0471
P 91-0472 P 91-0487 P 91-0490 P 91-0501
P 91-0503 P 91-0514 P 91-0521 P 91-0532
P 91-0548 P 91-0572 P 91-0584 P 91-0600
P 91-0619 P 91-0659 P 91-0665 P 91-0666
P 91-0688 P 91-0689 P 91-0701 P 91-0732
P 91-0763 P 91-0818 P 91-0826 P 91-0827
P 91-0831 P 91-0853 P 91-0902 P 91-0903
P 91-0905 P 91-0912 P 91-0914 P 91-0915
P 91-0934 P 91-0939 P 91-0940 P 91-0941
P 91-0968 P 91-1000 P 91-1009 P 91-1010
P 91-1011 P 91-1012 P 91-1013 P 91-1014
P 91-1015 P 91-1016 P 91-1017 P 91-1018
P 91-1019 P 91-1020 P 91-1021 P 91-1022
P 91-1023 P 91-1024 P 91-1025 P 91-1026
P 91-1027 P 91-1028 P 91-1029 P 91-1030
P 91-1031 P 91-1032 P 91-1033 P 91-1034
P 91-1035 P 91-1036 P 91-1037 P 91-1038
P 91-1039 P 91-1040 P 91-1041 P 91-1042
P 91-1043 P 91-1044 P 91-1045 P 91-1046
P 91-1047 P 91-1048 P 91-1049 P 91-1050
P 91-1051 P 91-1052 P 91-1053 P 91-1054
P 91-1055 P 91-1056 P 91-1057 P 91-1058
P 91-1059 P 91-1060 P 91-1061 P 91-1062
P 91-1063 P 91-1064 P 91-1065 P 91-1066
P 91-1067 P 91-1068 P 91-1069 P 91-1070
P 91-1071 P 91-1072 P 91-1073 P 91-1074
P 91-1075 P 91-1077 P 91-1116 P 91-1117
P 91-1118 P 91-1131 P 91-1153 P 91-1161
P 91-1162 P 91-1163 P 91-1190 P 91-1191
P 91-1206 P 91-1210 P 91-1231 P 91-1232
P 91-1233 P 91-1234 P 91-1235 P 91-1239
P 91-1240 P 91-1243 P 91-1250 P 91-1269
P 91-1279 P 91-1280 P 91-1281 P 91-1282
P 91-1283 P 91-1288 P 91-1289 P 91-1296
P 91-1297 P 91-1298 P 91-1299 P 91-1305
P 91-1321 P 91-1322 P 91-1323 P 91-1324
P 91-1328 P 91-1338 P 91-1346 P 91-1347
P 91-1361 P 91-1364 P 91-1367 P 91-1368
P 91-1369 P 91-1371 P 91-1372 P 91-1379
P 91-1384 P 91-1386 P 91-1392 P 91-1394
P 91-1409 P 91-1418 P 91-1422 P 91-1423
P 91-1429 P 91-1439 P 91-1448 P 91-1456
P 91-1464 P 92-0001 P 92-0002 P 92-0003
P 92-0028 P 92-0031 P 92-0032 P 92-0033
P 92-0034 P 92-0035 P 92-0036 P 92-0036
P 92-0044 P 92-0048 P 92-0063 P 92-0065
P 92-0066 P 92-0067 P 92-0068 P 92-0129
P 92-0131 P 92-0156 P 92-0157 P 92-0159
P 92-0168 P 92-0169 P 92-0177 P 92-0192
P 92-0196 P 92-0197 P 92-0210 P 92-0217
P 92-0227 P 92-0233 P 92-0239 P 92-0243
P 92-0244 P 92-0245 P 92-0246 P 92-0247
P 92-0248 P 92-0249 P 92-0250 P 92-0251
P 92-0265 P 92-0292 Y 92-0038

III. 176 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 85-0619 P 88-0319 P 88-0320 P 88-1761
P 90-0347 P 90-1384 P 91-0337 P 91-0763
P 91-0809 P 91-0935 P 91-1086 P 91-1101
P 91-1102 P 91-1143 P 91-1153 P 91-1239
P 91-1240 P 91-1250 P 91-1339 P 91-1340
P 91-1341 P 91-1342 P 91-1370 P 91-1372
P 91-1373 P 91-1374 P 91-1375 P 91-1376
P 91-1377 P 91-1378 P 91-1380 P 91-1381
P 91-1382 P 91-1383 P 91-1385 P 91-1387
P 91-1388 P 91-1389 P 91-1390 P 91-1391
P 91-1393 P 91-1395 P 91-1396 P 91-1397
P 91-1398 P 91-1399 P 91-1400 P 91-1401
P 91-1402 P 91-1403 P 91-1404 P 91-1405
P 91-1406 P 91-1407 P 91-1408 P 91-1410
P 91-1411 P 91-1412 P 91-1413 P 91-1414
P 91-1415 P 91-1416 P 91-1417 P 91-1419
P 91-1420 P 91-1421 P 91-1424 P 91-1425
P 91-1426 P 91-1427 P 91-1428 P 91-1429
P 91-1430 P 91-1431 P 91-1432 P 91-1433
P 91-1434 P 91-1435 P 91-1436 P 91-1437
P 91-1438 P 91-1440 P 91-1441 P 91-1442
P 91-1443 P 91-1444 P 91-1445 P 91-1446
P 91-1447 P 91-1448 P 91-1449 P 91-1450
P 91-1451 P 91-1452 P 91-1453 P 91-1454
P 91-1455 P 91-1456 P 91-1457 P 91-1458
P 91-1459 P 91-1460 P 91-1461 P 91-1462
P 91-1463 P 91-1465 P 92-0001 P 92-0002
P 92-0004 P 92-0005 P 92-0006 P 92-0007
P 92-0008 P 92-0009 P 92-0010 P 92-0011
P 92-0012 P 92-0013 P 92-0014 P 92-0015
P 92-0016 P 92-0017 P 92-0018 P 92-0019
P 92-0020 P 92-0021 P 92-0022 P 92-0023
P 92-0024 P 92-0025 P 92-0026 P 92-0027
P 92-0029 P 92-0030 P 92-0037 P 92-0038
P 92-0039 P 92-0040 P 92-0041 P 92-0043
Y 92-0038 Y 92-0039 Y 92-0040 Y 92-0041
Y 92-0042 Y 92-0043 Y 92-0044 Y 92-0045
Y 92-0046 Y 92-0047 Y 92-0048 Y 92-0049
Y 92-0050 Y 92-0051 Y 92-0052 Y 92-0053
Y 92-0054 Y 92-0055 Y 92-0056 Y 92-0057
Y 92-0058 Y 92-0059 Y 92-0060 Y 92-0061
Y 92-0062 Y 92-0063 Y 92-0064 Y 92-0065
Y 92-0066 Y 92-0067 Y 92-0068 Y 92-0069
Y 92-0070 Y 92-0071 Y 92-0072 Y 92-0073

IV. 31 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Identity/Generic Name	Date of Commencement
P 85-0482	G Polyamic acid polymer b	October 21, 1991.
P 88-0061	G Organopolysiloxane containing metals	June 27, 1988.
P 88-0252	Maleic anhydride; alpha olefin C^{16} + greater; tertiary butyl perioxide; hydrogenated tallow amine	January 19, 1989.
P 89-0697	G Alkenoic acid, trisubstituted benzyl-disubstituted-phenyl ester	October 23, 1990.
P 90-1614	G Substituted naphthalene sulfonic acid	November 14, 1991.
P 90-1981	Polymer of ethyl acrylate, methyl methacrylate, & *N*-vinyl pyrrolidinone	October 22, 1991.
P 91-0117	G Acrylate derivative polymer	March 3, 1991.
P 91-0331	G Aryl isocyanate acyl chloride	November 13, 1991.
P 91-0332	G Aryl polyamideurea	November 14, 1991.
P 91-0523	G Heterocyclic sulfate	October 26, 1991.
P 91-0611	Melamine amyl phosphate	October 15, 1991.
P 91-0770	2-Ethoxyethyl-2-cyanoacrylate	October 21, 1991.
P 91-0875	G Ammonium salt of a grafted and crosslinked acrylicacid terpolymer	November 18, 1991.
P 91-0891	G Polymer modified polyisocyanate, reaction product with a diamine	November 12, 1991.
P 91-0897	G Polyethylene glycol diester of a saturated fatty acid	November 18, 1991.
P 91-0937	G Vinyl ester	November 7, 1991.
P 91-0938	G Polyurethane/aryl polyglycol ether	November 7, 1991.
P 91-1085	G Water reducible polyester polymer	October 21, 1991.
P 91-1259	G Aromatic polyurethane polyol	November 11, 1991.
P 91-1278	G Copper arsenic	November 5, 1991.
P 91-1344	G Polyamide	November 23, 1991.
P 91-1345	G Alkyd resin	November 23, 1991.
Y 88-0232	G Alkyd resin	November 11, 1991.
Y 88-0279	G Polyester polyol	October 28, 1991.
Y 90-0038	G Polyester resin	November 8, 1991.
Y 91-0157	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0187	G Polyester	November 19, 1991.
Y 91-0194	G Aqueous acrylic polymer	October 18, 1991.
Y 91-0226	G Aqueous acrylic polymer	October 18, 1991.
Y 91-0227	G Aqueous acrylic polymer	October 21, 1991.
Y 91-0232	G Modified polyester	November 6, 1991.

V. 29 Premanufacture notices for which the period has been suspended.

PMN No.

P 90-0260 P 90-0261 P 90-0262 P 90-0263
P 91-0572 P 91-1339 P 91-1378 P 91-1384
P 91-1386 P 91-1392 P 91-1394 P 91-1409
P 91-1418 P 91-1422 P 91-1423 P 91-1439
P 91-1464 P 92-0003 P 92-0028 P 92-0031
P 92-0032 P 92-0033 P 92-0034 P 92-0035
P 92-0036 P 92-0129 P 92-0156 P 92-0157
P 92-0159

[FR Doc. 92-6396 Filed 3-18-92; 8:45 am]
BILLING CODE 6560-50-F

federal register

Thursday
March 19, 1992

Part IX

Environmental Protection Agency

Hazardous Waste Management; Land Disposal Restrictions; Notice of Intent to Approve Case-by-Case Applications

ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL-4115-7]

Hazardous Waste Management System; Land Disposal Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve case-by-case applications.

SUMMARY: EPA is proposing to approve the applications submitted by two Olin Corporation facilities in Augusta, Georgia and Charleston, Tennessee, requesting an extension of the May 8, 1992 effective date of the land disposal restrictions applicable to wastes with the hazardous waste codes D009 and K106. EPA also proposes to grant approval of an extension of the effective date of the land disposal restrictions applicable to D009 and K106 wastes generated at the following five facilities: BFGoodrich Company, Calvert City, Kentucky; PPG Industries, Lake Charles, Louisiana; PPG Industries, New Martinsville, West Virginia; Pioneer Chlor Alkali Company, Inc., St. Gabriel, Louisiana and Vulcan Chemicals, Port Edwards, Wisconsin. However, for these facilities approval is contingent upon receipt of, notice and comment upon, and approval of documentation of a binding contractual commitment to construct or otherwise provide treatment capacity for each facility. This action responds to the applications submitted by these seven facilities, in conjunction with the Chlorine Institute, under 40 CFR 268.5, which allows any person to request the Administrator to approve, on a case-by-case basis, an extension of the applicable effective date of the land disposal restrictions treatment standards. To obtain an extension, the applicant must demonstrate that there is insufficient capacity to manage his waste and that he has entered into a binding contractual commitment to construct or otherwise provide such capacity but due to circumstances beyond his control, such capacity cannot reasonably be made available by the effective date. If this proposed action is finalized, each of the seven above mentioned chlorine manufacturing facilities can continue to treat, store or dispose of its D009, and K106 wastes, using current practices, for an additional one year without being subject to the land disposal restrictions applicable to such wastes. If warranted, EPA may grant a renewal of this extension, for up to one year, which, at a maximum, would extend the effective date of the LDR for these wastestreams to May, 8, 1994.

DATES: Comments on this notice must be received on or before April 20, 1992.

ADDRESSES: The public must send an original and two copies of their comments to the EPA RCRA Docket (OS-305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Place the Docket Number F-92-CCPP-FFFFF on all copies of the comments. The EPA RCRA Docket is located in Room 2427, 401 M Street, SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 toll-free or (202) 382-3000, locally. For information on specific aspects of this notice contact William J. Kline, Office of Solid Waste, Capacity Programs Branch (OS-321W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-8440.

SUPPLEMENTARY INFORMATION:

I. Background

A. Congressional Mandate

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of 1984 which amended the Resource Conservation and Recovery Act (RCRA). Among other things, HSWA required EPA to develop regulations that would impose, on a phased schedule, restrictions on the land disposal of hazardous wastes. In particular, sections 3004(d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment. More specifically, section 3004(g) scheduled the prohibition of the land disposal of those hazardous wastes included in the Third Third group (which includes hazardous wastes D009, and K106), effective 66 months after the enactment of HSWA (May 8, 1990). In addition, section 3004(m) requires EPA to set "levels of methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." Wastes that meet the treatment standards established by EPA are not prohibited and may be land disposed.

In developing such a broad program, Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment may not be available by the applicable statutory effective dates. Therefore, section 3004(h)(2) authorized EPA to grant a national capacity variance (based on the earliest date that such capacity will be available but not to exceed two years) from the effective date which would otherwise apply to specific hazardous wastes. In addition, under section 3004(h)(3), EPA can grant an additional capacity extension of the statutory deadline on a case-by-case basis for up to one year beyond the applicable deadline. Such an extension is renewable once for up to one additional year.

On November 7, 1986, EPA published a final rule (51 FR 40572) establishing the regulatory framework to implement the land disposal restrictions (LDR) program, including the procedures for submitting case-by-case extension applications.

Also, on June 1, 1990, EPA published a final rule (55 FR 22520) establishing land disposal restrictions for Third Thirds wastes. Among other things, EPA published treatment standards for wastes D009 and K106. Because of a determination that available treatment, recovery, or disposal capacity did not exist at that time for these wastes, EPA granted a two-year national capacity variance for K106 and D009 wastes. As such, these wastes are prohibited from being land disposed beginning May 8, 1992.

B. 40 CFR 268.5 Demonstrations for Case-by-Case Applications

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. Each of the chlorine manufacturing facilities requesting an extension of the effective date of the LDRs must address each of the following seven demonstrations of 40 CFR 268.5(a):

- *40 CFR 268.5(a)(1).* The applicant has made a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage its waste in accordance with the effective date of the applicable restriction (i.e., May 8, 1992).
- *40 CFR 268.5(a)(2).* The applicant has entered into a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity that meets the treatment standards specified in 40 CFR part 268, subpart D or, where treatment standards have not been specified, such

treatment, recovery, or disposal capacity is protective of human health and the environment.

• *40 CFR 268.5(a)(3).* Due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date.

• *40 CFR 268.5(a)(4).* The capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application.

• *40 CFR 268.5(a)(5).* The applicant provides a detailed schedule for obtaining operating and construction permits or an outline of how and when alternative capacity wil be available.

• *40 CFR 268.5(a)(6).* The applicant has arranged for adequate capacity to manage his waste during an extension, and has documented the location of all sites at which the waste will be managed.

• *40 CFR 268.5(a)(7).* Any waste managed in a surface impoundment or landfill during the extension period will meet the requirement of 40 CFR 268.5(h)(2).

After an applicant has been granted a case-by-case extension, he must immediately notify EPA of any change in the demonstrations made in the petition (40 CFR 268.5(f)). He must also submit progress reports at specified intervals that describe the progress being made towards obtaining adequate alternative capacity, identify any delay or possible delay in developing the capacity, and describe the mitigating actions being taken in response to the event (40 CFR 268.5(g)).

II. Evaluation of Subject Applications

The following seven chlorine manufacturing facilities, in conjunction with the Chlorine Institute, requested that EPA grant a one-year extension of the May 8, 1992, effective date of the LDRs applicable to hazardous wastes D009 and K106 consisting of residual wastewaters and other solid wastes derived from the electrolytic mercury cell processes that are used at these facilities for the production of chlorine:

1. BFGoodrich Company in Calvert City, KY
2. Olin Corporation in Augusta, GA
3. Olin Corporation in Charleston, TN
4. PPG Industries in Lake Charles, LA
5. PPG Industries in New Martinsville, WV
6. Pioneer Chlor-Alkali Company, Inc. in St. Gabriel, LA
7. Vulcan Chemicals in Port Edwards, WI

The Best Demonstrated Available Technology (BDAT) for D009 and K106 is thermal treatment or retorting. The Chlorine Institute [1] and its members submitted comments to EPA during the rulemaking process, expressing their belief that retorting was not available for treatment of the subject wastes due to differences between the mercury mine ores used in establishing BDAT and electrolytic mercury cell wastes. They argued that data used in developing BDAT based on wastes generated by a mercury producer was not directly transferable to K106 and D009 mercury cell waste without further extensive development. Failing to convince EPA to change the proposed BDAT for K106 and D009, the Chlorine Institute and some of its members contracted with Hazen Research of Golden, Colorado in June 1990 to develop a thermal mercury recovery process for K106 and selected D009 wastes that would allow the Institute's members to comply with the LDR regulations. The project consists of three phases. Phase I, which has been completed, consisted of characterizing representative waste, evaluating the effects of variables, selecting potential technologies for evaluation, and preliminary design and economics. Phase II, which has also been completed, was the construction and operation of a pilot plant. The primary goal of this Phase was to demonstrate the feasibility of the process to recover mercury from these wastes and meet BDAT for the K106 and D009 wastes. Construction of the pilot plant was completed in June 1991. Phase II of the Hazen Project successfully demonstrated that the thermal mercury recovery process could treat D009 and K106 wastes to meet BDAT.

Phase III is the development of engineering design and construction of full-scale treatment units on an individual or joint basis by each of the chlorine manufacturers. Initial estimates from the chlorine manufacturers indicate that the earliest operation of these treatment units will be in the first quarter of 1993.

A. Applicants' Demonstrations

Each of the seven applicants submitted to EPA a separate petition requesting an extension of the effective date of the LDRs for its D009 and K106 wastes. However, two of the required demonstrations, 40 CFR 268.5(a)(1) and (a)(3), being identical for all of the seven facilities [2], were conducted and submitted in conjunction with the Chlorine Institute. The demonstrations in 40 CFR 268.5(a)(2), (a)(4), and (a)(5) also initially were the same for each of the seven facilities and submitted as such under the auspices of the Chlorine Institute. However, as discussed in more detail below, subsequent to the successful completion of Phase II of the Hazen Research project, each of the applicants must provide EPA the additional documentation necessary to show when and how the demonstrated technology will be constructed and put into operation to treat their subject wastes.

A discussion of the generic demonstrations, as submitted in conjunction with the Chlorine Institute, along with a description of each facility and a review of each the applicant's facility-specific demonstrations follows.

1. Applicants' Generic Demonstrations

40 CFR 268.5(a)(1). The Chlorine Institute identified 47 facilities with thermal treatment services that may be able to accept the subject wastes. Of these 47 facilities, only four were identified as capable of metal recovery and therefore potentially capable of treating these wastes using BDAT. Of the four facilities, two could not accept the wastes. One facility, Bethlehem Apparatus, indicated it can accept 150 tons per year of D009 wastes. The other facility, Mercury Refining Company (MERECO), has stated that it can currently accept a total of 200 drums of D009 wastes per year from the petitioning facilities; however, it also indicated that it is expanding its treatment capacity such that it eventually will at least double its current treatment capacity in late 1992 when the new facility expansion is complete. Written responses from the four treatment facilities were provided and are available in the public docket established for today's notice.

The quantity of D009 waste being generated (more than 1000 tons/year) by the seven facilities applying for this extension far exceeds the available commercial capacity (less than 200 tons/year) to treat this waste. The applicants, as a group, stated they would utilize this limited available commercial treatment capacity. It is EPA's expectation that the applicants requesting this case-by-case extension will use this treatment capacity, to the extent it is available,

[1] The Chlorine Institute Inc., is an association of chlorine manufacturers and related companies. The Institute's members are responsible for 98% of the U.S. production of chlorine.

[2] The chlorine manufacturers, as members of the Chlorine Institute, have combined their resources over the past several years to address compliance with the regulations.

until the applicants have otherwise provided treatment capacity, i.e., the planned treatment units are put into operation. EPA intends to monitor this situation and, if appropriate, require that each facility, for which an extension of the LDRs is approved, explain how and when such available capacity will be used. Commercial treatment capacity for the K106 wastes was found to be non-existent.

EPA agrees that there is very limited available treatment capacity to treat the D009 wastes generated at the seven petitioning facilities to BDAT standards. It is clear that the total available treatment capacity is greatly exceeded by demand, therefore making it virtually certain that each of the applicants will be unable to find treatment capacity for all of its wastes. Given the restricted treatment capacity for D009 wastes and the lack of any capacity for K106 wastes, EPA believes that a lack of sufficient available treatment capacity, despite a good faith effort to locate such capacity, has been adequately demonstrated by the applicants.

40 CFR 268.5(a)(3). On behalf of the chlorine manufacturers, the Chlorine Institute, as part of the Third Third rulemaking process, provided EPA with data on thermal desorption treatment of K106 chlorine production wastes in December 1989 to support their recommendation for BDAT. They also provided comments on the proposed BDAT for K106 and D009. Failing to convince EPA to modify the proposed BDAT for D009 and K106, the Institute promptly contracted with Hazen Research to develop their own treatment facility capable of meeting BDAT. Hazen Research stated, in their December 6, 1991, report to the Chlorine Institute, that they successfully demonstrated that the thermal process was capable of meeting BDAT.

EPA believes the seven applicants, acting with the Chlorine Institute, cannot reasonably provide treatment capacity by the effective date, due to technical difficulties in treating these wastes to BDAT standards. The applicants have aggressively pursued the development of technology capable of treating their wastes to BDAT standards. As such, EPA believes this demonstration of non-availability of capacity, due to circumstances beyond each applicant's control, is adequate.

2. Facility-Specific Demonstrations

In addition to having addressed the 40 CFR 268.5 (a)(1) and (a)(3) demonstrations in a generic manner, each applicant likewise addressed the remaining five demonstrations in 40 CFR 268.5(a)(2), (a)(4), (a)(5), (a)(6) and (a)(7), as follows:

(a) *BFGoodrich.* BFGoodrich is located in Calvert City, Kentucky. The facility generated approximately 111 tons of K106 waste, 137 tons of low mercury D009, and 32 tons of high mercury D009 waste in 1990. K106 sludge and other wastes identified as D009 are currently disposed of at Chemical Waste Management's landfills in Emelle, Alabama and Ft. Wayne, Indiana.

40 CFR 268.5(a)(2). BFGoodrich has awarded a contract to develop the engineering design for the retort unit, employing the technology developed as part of the Hazen Research project discussed above; this unit is scheduled to be constructed at its Calvert City facility. BFGoodrich advised EPA that by April 15, 1992, it will purchase at least 20% of the equipment necessary to construct this unit and will provide EPA with copies of the purchase order. However, BFGoodrich does not expect to award the contract to construct the retort unit until approximately July 15, 1992.

EPA believes that BFGoodrich has made a substantial commitment to construct a treatment unit that will treat the D009 and K106 wastes generated at its Calvert City, Kentucky facility to BDAT standards. Documentation regarding the design of this unit has been provided to EPA. The receipt of purchase orders for equipment will provide further confirmation of BFGoodrich's commitment to construct the retort unit. However, EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been fully met and will not grant final approval of a case-by-case extension for the D009 and K106 wastes generated at the BFGoodrich Calvert City, Kentucky facility until appropriate documentation is submitted to EPA showing that a binding contractual commitment has been entered into the construct this treatment unit. BFGoodrich has stated that documentation that demonstrates a binding contractual commitment to construct the treatment unit that meets the BDAT standards specified for the D009 and K106 wastes generated at the Calvert City, Kentucky facility will be provided to EPA as soon as it becomes available. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other then the contract).

40 CFR 268.5(a)(4). BFGoodrich has stated that the thermal treatment unit to be constructed will have a capacity of approximately 300 tons/year to treat the K106 and D009 waste generated at its Calvert City, Kentucky facility. The engineering and design plans have been submitted by BFGoodrich to EPA. EPA believes that BFGoodrich has adequately demonstrated that the treatment unit to be constructed will provide the necessary treatment capacity to manage the entire quantity of these wastes covered by this case-by-case application.

40 CFR 268.5(a)(5). BFGoodrich has submitted a schedule that provides details regarding the construction and permitting of the retort unit to be installed at its Calvert City, Kentucky facility. As shown in the schedule, BFGoodrich plans to commence construction of the retort unit by August 1, 1992 and expects construction to be completed by March 1, 1993. BFGoodrich then estimates that compliance testing of the unit will begin by April 1, 1993. The final permit approval to operate this unit is anticipated to be granted by October 1, 1993. EPA believes that BFGoodrich has submitted the documentation necessary to meet this requirement.

40 CFR 268.5(a)(6). The D009 and K106 wastes generated at BFGoodrich's Calvert City, Kentucky facility will continue to be disposed of in Chemical Waste Management's (CWM) hazardous waste landfills in Emelle, Alabama and Fort Wayne, Indiana. However, until such time that EPA gives its final approval of an extension for any facility, that facility is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes. CWM has provided written assurance to BFGoodrich that CWM will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to make the necessary demonstration.

40 CFR 268.5(a)(7). BFGoodrich will continue to use the CWM landfills in Emelle, Alabama and Fort Wayne, Indiana. CWM has provided a letter certifying that its landfills meet the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient to make the necessary demonstration.

Olin Corporation

Olin Corporation (Olin) has submitted case-by-case applications requesting an extension of the LDR for the D009 and K106 wastes generated at two if its facilities, one located in Augusta, Georgia and the other in Charleston, Tennessee.

(b) *Olin (Augusta, Georgia).* The Augusta facility generated approximately 190 lbs per day of K106 waste and 1,200 lbs per day of D009 waste in 1990. The facility also generates D009 soil and debris, which Olin considers not amenable to thermal treatment. Olin stated that it will prepare a separate request for a treatability variance for this waste. K106 sludge and other wastes identified as D009 are currently combined together and transported for disposal at the GSX hazardous waste landill in Pinewood, South Carolina.

40 CFR 268.5(a)(2). Olin plans to construct one thermal retort unit at its Charleston, Tennessee facility at which the D009 and K106 wastes from both the Augusta, Georgia and Charleston, Tennessee facilities would be treated.

To support its demonstration of a binding contractual commitment to construct the retort unit, Olin has provided EPA a copy of the contract between Olin Corporation and Blount, Inc. to perform work as required by Olin at its Charleston, Tennessee facility. Under Olin's existing contract with Blount, Olin has provided a signed release order between Olin and Blount, Inc. to construct the retort unit.

Additional documentation provided by Olin to demonstrate its commitment to the construction of the retort unit includes: (1) a signed approval by Olin's CEO of funds to design, purchase, and construct the retort unit at the Charleston, Tennessee facility to handle the D009 and K106 wastes from both the Augusta, Georgia and Charleston, Tennessee facilities, (2) a copy of the purchase orders for the furnace and off-gas handling system, and (3) a copy of the design specifications, including process flow diagrams, piping and instrument diagrams, and equipment.

EPA is satisfied that Olin has made a binding contractual commitment to construct a treatment unit that will treat the D009 and K106 wastes generated at its Augusta, Georgia and Charleston, Tennessee facilities to BDAT standards. EPA believes Olin has provided the necessary documentation to meet this requirement.

40 CFR 268.5(a)(4). Olin has stated that the thermal treatment unit to be constructed will have sufficient capacity to adequately handle all the K106 and D009 wastes generated by both the Augusta, Georgia and Charleston, Tennessee facilities. The retort unit to be constructed at Olin's Charleston, Tennessee facility is designed for 300 lbs./hour with an estimated actual annual throughput (including wastes from both Augusta and Charleston) of 1.13 million lbs. As such, the planned retort unit is expected to have excess capacity. Therefore, EPA believes that Olin has adequately demonstrated that the treatment unit to be constructed will provide the necessary treatment capacity to manage the entire quantity of D009 and K106 wastes covered by this case-by-case application.

40 CFR 268.5(a)(5). Olin has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Charleston, Tennessee facility. As indicated in the schedule, Olin expects to receive the construction permit by June 1992, and begin construction in July 1992. Construction is anticipated to be completed by January 1993 followed by testing of the unit in January-March 1993. A permit to begin operation of the retort unit is expected to be granted in April 1993. EPA believes that Olin has provided the necessary construction and permitting milestones for bringing its retort unit on-line and therefore meets the requirements of this demonstration.

40 CFR 268.5(a)(6). Olin's (Augusta, GA) wastes will continue to be disposed of in the GSX Services of South Carolina, Inc. (GSX) hazardous waste landfill located in Pinewood, South Carolina. GSX has provided written assurance to Olin that GSX will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to provide this demonstration.

40 CFR 268.5(a)(7). Olin (Augusta, GA) will continue to use the GSX landfill, located in Pinewood, South Carolina. GSX has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient for the required demonstration.

(c) *Olin (Charleston, Tennessee).* The Olin Charleston, Tennessee facility generated approximately 1,000 lbs per day of K106 waste and 3,150 lbs per day of D009 waste in 1990. The facility also generates D009 soil and debris, which Olin considers not amenable to thermal treatment. Olin stated that it will prepare a separate request for a treatability variance for this waste. This facility currently disposes of its K106 sludge and other wastes identified as D009 in an on-site landfill.

40 CFR 268.5(a)(2). As described above, Olin plans to construct one thermal retort unit at the Charleston, Tennessee facility at which the wastes from both the Charleston, Tennessee and the Augusta, Georgia facilities would be treated. (See the discussion under Olin, Augusta, Georgia, 40 CFR 268.5(a)(2) to support its demonstration of a binding contractual commitment to construct the retort unit.)

40 CFR 268.5(a)(4). Olin has stated that the thermal treatment unit to be constructed will have sufficient capacity to adequately handle all the K106 and D009 wastes generated by both the Augusta, Georgia and Charleston, Tennessee facilities. (See the discussion under Olin, Augusta, Georgia, 40 CFR 268.5(a)(4) to support its demonstration that the retort unit will have sufficient capacity to handle all its D009 and K106 waste.)

40 CFR 268.5(a)(5). Olin has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Charleston, Tennessee facility. (See the discussion under Olin, Augusta, Georgia, 40 CFR 268.5(a)(5) to support its demonstration that a detailed schedule for the construction and permitting of the retort unit has been provided.)

40 CFR 268.5(a)(6). Olin's (Charleston, TN) wastes will continue to be disposed of on-site. Olin has provided assurance that its on-site landfill will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation satisfies this requirement.

40 CFR 268.5(a)(7). Olin (Charleston, TN) will continue to use its on-site landfill. Olin has certified that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this certification is included in the public docket established for this notice. EPA believes that this documentation satisfies this requirement.

PPG Industries, Inc.

PPG Industries, Inc. (PPG) has submitted case-by-case applications, requesting an extension of the LDR for the D009 and K106 wastes generated at two of its facilities, one of which is located in Lake Charles, Louisiana and the other in New Martinsville, West Virginia.

(d) *PPG (Lake Charles, Louisiana).* The Lake Charles facility generated approximately 180 tons of K106 wastewater treatment sludge and 150 tons of D009 mercury contaminated

waste in 1990. The facility also generated approximately 180 tons of D009/D002 mercury-contaminated caustic wastes and small quantities of D009/D001 low level mercury-contaminated solvent waste in 1990. In addition, PPG is requesting a separate treatment variance for D009 soil and debris, which PPG considers not amenable to thermal treatment. Wastes generated at the Louisiana facility currently are disposed of at the Chemical Waste Management landfill in Emelle, Alabama.

40 CFR 268.5(a)(2). PPG plans to construct one thermal retort unit at the Lake Charles facility at which the D009 and K106 wastes from both the Lake Charles and New Martinsville, West Virginia facilities would be treated. This treatment unit will employ the technology developed as part of the Hazen Research project discussed above. PPG has submitted a copy of a purchase order to be used for preliminary engineering, preparation of estimates, initial procurement, and to start detail design engineering and a copy of a purchase order to purchase the retort furnace.

PPG also has stated that in March 1992, it will submit documentation of approved authorization for funds to construct, start-up, and operate this unit. Actual award of two lump sum contracts to construct a retort unit at PPG's Lake Charles, Louisiana facility are not expected to be issued until the June-August timeframe, however. PPG intends to award the necessary contracts in two phases: one for the foundation work on approximately July 1, 1992, the second by September 1, 1992 for the mechanical, structural, and electrical work. EPA is convinced that PPG has made a substantial commitment to construct a treatment unit that will treat its D009 and K106 wastes to BDAT standards. However, EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been fully met and will not grant final approval of a case-by-case application for the wastes generated at the PPG Lake Charles, Louisiana and New Martinsville, West Virginia facilities until final approval of documentation showing that the binding contractual commitments has been entered into to construct this treatment unit. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other than the contract).

40 CFR 268.5(a)(4). PPG has stated that the retort unit to be constructed will have a capacity of up to 400 lbs/hour to treat the almost 400 tons/year of D009 and K106 wastes generated by both the Lake Charles, Louisiana and New Martinsville, West Virginia facilities. Likewise, PPG states that its future unit will possess sufficient treatment capacity to treat the more than 550 tons/year of D009 and K106 wastes that Pioneer intends to treat at PPG's retort unit. EPA believes that PPG's planned retort unit to be constructed at its Lake Charles, Louisiana facility will have sufficient capacity to treat all the D009 and K106 wastes covered by its case-by-case applications, as generated by both the Lake Charles, Louisiana and New Martinsville, West Virginia facilities as well as the D009 and K106 wastes generated by Pioneer's St. Gabriel, Louisiana facility.

40 CFR 268.5(a)(5). PPG has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Lake Charles, Louisiana facility. As indicated in the schedule, PPG estimates that construction of the unit will be completed by March 1993. Testing of the unit is anticipated for April 1993 with actual on-line operation beginning in May 1993. EPA believes that PPG has provided the necessary construction and permitting milestones for bringing its retort unit on-line and therefore meets the requirements of this demonstration.

40 CFR 268.5(a)(6). PPG's (Lake Charles, LA) wastes will continue to dispose of its wastes at the CWM hazardous waste landfill in Emelle, Alabama. However, until such time that EPA gives its final approval of an extension, PPG is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes. CWM has provided written assurance to PPG that it will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation satisfies the requirement of making this demonstration.

40 CFR 268.5(a)(7). PPG's Lake Charles facility will use the CWM landfill, located in Emelle, Alabama. CWM has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation satisfies the requirement of making this demonstration.

(e) *PPG (New Martinsville, West Virginia).* PPG's New Martinsville, West Virginia facility generated approximately 18 tons of K106 wastewater treatment sludge and 34 tons of D009 mercury contaminated waste in 1990. In addition, PPG generates a small amount of D009 soil and debris, which PPG considers not amenable to BDAT. The New Martinsville facility currently disposes of all K106 sludge and other wastes identified as D009 in a CWM landfill in Model City, New York.

40 CFR 268.5(a)(2). PPG plans to construct one thermal retort unit at the Lake Charles facility at which the D009 and K106 wastes from both the Lake Charles and PPG's New Martinsville, West Virginia facilities would be treated. (See the discussion under PPG, Lake Charles, Louisiana, 40 CFR 268.5(a)(2) to support its demonstration of a binding contractual commitment to construct the retort unit.)

40 CFR 268.5(a)(4). PPG has stated that the thermal treatment unit to be constructed will have a capacity of 200 lbs./day (max. of 400 lbs./day) to treat all the D009 and K106 wastes generated by both the Lake Charles, Louisiana and New Martinsville, West Virginia facilities. (See the discussion under PPG, Lake Charles, Louisiana, 40 CFR 268.5(a)(4) to support its demonstration that the retort unit will have sufficient capacity to handle all the D009 and K106 wastes.)

40 CFR 268.5(a)(5). PPG has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Lake Charles, Louisiana facility. (See the discussion under PPG, Lake Charles, Louisiana, 40 CFR 268.5(a)(5) to support its demonstration that a detailed schedule for the construction and permitting of the retort unit has been provided.)

40 CFR 268.5(a)(6). The D009 and K106 wastes generated at PPG's New Martinsville, West Virginia facility will continue to be disposed of at the CWM hazardous waste landfill in Model City, New York. CWM has provided written assurance to PPG that it will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to make this demonstration.

40 CFR 268.5(a)(7). PPG's New Martinsville, West Virginia will continue to use the CWM landfill, located in Model City, New York. However, until such time that EPA gives

its final approval of an extension for any facility, that facility is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes. CWM has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient to make this demonstration.

(f) *Pioneer Chlor-Alkali Company.* Pioneer Chlor Alkali Company (Pioneer) is located in St. Gabriel, Louisiana. The St. Gabriel facility generates approximately 300 tons per year of K106 waste and up to 251 tons per year of D009 waste. The facility generates some D009 waste that Pioneer considers not amenable to thermal treatment; Pioneer has stated that it will prepare a separate request to EPA requesting a treatability variance for this waste. K106 sludge and other wastes identified as D009 are combined together in bulk containers, solidified, and disposed of at a Rollins Environmental Services hazardous waste landfill in Louisiana.

40 CFR 268.5(a)(2). Pioneer is planning to use the retort unit to be constructed at PPG's Lake Charles, Louisiana facility to treat the D009 and K106 wastes generated at its St. Gabriel, Louisiana facility. Pioneer has provided a letter from PPG to Pioneer stating that PPG is committing sufficient treatment capacity at its planned Lake Charles facility to treat Pioneer's St. Gabriel D009 and K106 wastes. Pioneer has stated that it will provide to EPA documentation that demonstrates a binding contractual commitment to use the treatment capacity that has been offered by PPG to treat to BDAT standards the D009 and K106 wastes generated at the St. Gabriel, Louisiana facility.

EPA is satisfied that Pioneer has made a substantial commitment to arrange for the treatment capacity needed to treat its D009 and K109 wastes to BDAT standards. However, EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been satisfactorily met and cannot grant final approval of the case-by-case application for the D009 and K106 wastes generated at Pioneer's St. Gabriel, Louisiana facility. Any such contract must indicate that certain contingencies referred to in PPG's letter, relating to the nature of Pioneer's waste and whether the State of Louisiana objects to treatment at PPG's facility, have been resolved. In addition, the PPG letter indicates that it has sufficient capacity to treat Pioneer's waste as well as its own, and EPA accepts that representation for purposes of this proposal. However, the data available to EPA leave some uncertainty as to the adequacy of this capacity, and EPA will require more detailed iniformation in this regard to be provided as part of, or simultaneously with, the final contract between PPG and Pioneer. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other than the contract).

40 CFR 268.5(a)(4). Pioneer has stated that the PPG thermal treatment unit to be constructed at Lake Charles, Louisiana will have sufficient capacity to adequately handle all the K106 and D009 waste that is generated at its St. Gabriel, Louisiana facility. PPG has provided a letter confirming that it has sufficient capacity and will commit such capacity to Pioneer to treat the D009 and K106 wastes generated at Pioneer's St. Gabriel, Louisiana facility. EPA believes that this documentation is sufficient to make this demonstration.

40 CFR 268.5(a)(5). Since Pioneer will use PPG's planned Lake Charles, Louisiana retort unit, the schedule submitted by PPG regarding the construction and permitting of its treatment unit likewise is applicable for this demonstration. As such, EPA believes the requirements of this demonstration to have been met.

40 CFR 268.5(a)(6). Pioneer Chlor-Alkali Company's wastes will continue to be disposed of in the Rollins Louisiana hazardous waste landfill. Rollins has provided their written assurance to Pioneer that Rollins will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation satisfies the requirement of making this demonstration.

40 CFR 268.5(a)(7). Pioneer will use the Rollins landfill in Louisiana. Rollins has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation satisfies the requirement of making this demonstration.

(g) *Vulcan Chemicals.* Vulcan Chemicals (Vulcan) is located in Port Edwards, Wisconsin. The Port Edwards facility generates approximately 75,000 lbs per year of K106 waste, 50,000 lbs per year of low mercury D009, and 12,000 lbs of high mercury D009 waste. The facility generates some D009 waste that Vulcan considers not amenable to thermal treatment; Vulcan stated that it will prepare a separate request to EPA requesting a treatability variance for this sub-category of D009 waste. K106 sludge and other wastes identified as D009 are containerized in lined 55 gallon steel drums and shipped to the Chemical Waste Management Adams Center landfill.

40 CFR 268.5(a)(2). Vulcan has provided EPA a copy of an approved authorization for expenditure to purchase and install a retort unit at its Port Edwards, Wisconsin facility. Vulcan has stated that it will provide to EPA, on or before April 1, 1992, documentation, including purchase orders for procurement of the retort unit and contractor construction and installation services that demonstrates a binding contractual commitment to construct the treatment unit to treat to BDAT standards the D009 and K106 wastes generated at the Port Edwards, Wisconsin facility. This treatment unit will employ the technology developed as part of the Hazen Research project discussed above.

EPA is satisfied that Vulcan has made a substantial commitment to construct a treatment unit that will treat its D009 and K106 wastes to BDAT standards. Additional documentation regarding the procurement and construction of this unit is expected to be submitted by Vulcan no later than April 1, 1992. EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been satisfactorily met, however, until appropriate documentation is submitted to EPA showing that a binding contractual commitment has been entered into to construct this treatment unit. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other than the contract).

40 CFR 268.5(a)(4). Vulcan has stated that the retort unit to be constructed will have a capacity of approximately 1000 lbs./day and thus more than adequate capacity to treat the approximately 100,000 lb./year of K106 and D009 waste generated by its Port Edwards facility.

EPA believes that Vulcan has met the requirements of this demonstration.

40 CFR 268.5(a)(5). Vulcan has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Port Edwards, Wisconsin facility. As indicated in the schedule, Vulcan estimates that a construction and operating air permit will be approved by August 1992 with construction of the unit completed by April of 1993. It is further estimated that a final permit approval to operate this unit will be obtained by October 1993. EPA believes that Vulcan has submitted the documentation necessary to meet this requirement.

40 CFR 268.5(a)(6). The D009 and K106 wastes will continue to be disposed of in Chemical Waste Management's (CWM) Adams Center hazardous waste landfill. CWM has provided written assurance to Vulcan that it will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to make this demonstration.

40 CFR 268.5(a)(7). Vulcan will use CWM's Adams Center landfill. CWM has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient to make this demonstration.

B. Consultations With States

In accordance with 40 CFR 268.5(e), EPA consulted with the appropriate State agencies for the States in which the seven facilities applying for a case-by-case extension are located. In particular, EPA consulted with the States of Georgia, Kentucky, Louisiana, Tennessee, West Virginia, and Wisconsin to determine whether these States had any permitting, enforcement, or other concerns regarding the respective facilities within their boundaries that EPA should take into consideration in deciding to grant or deny these case-by-case applications. No such concerns were identified by the States.

III. EPA's Proposed Action

For the reasons discussed above, EPA believes that each of the seven chlorine manufacturing facilities has made and is continuing to make a good-faith effort towards providing sufficient and appropriate treatment capacity for the D009 and K106 wastes that are the subject of its case-by-case application. EPA believes that two of the facilities, i.e., Olin's Augusta, Georgia and Charleston, Tennessee facilities have met all the 40 CFR 268.5 demonstrations. Therefore, EPA is proposing to grant a one-year extension of the May 8, 1992 effective data of the land disposal restrictions date for D009 and K106 wastes generated at these two facilities. If the extension is granted, these wastes could continue to be managed in the manner that they are currently handled until May 8, 1993 (unless the extension is renewed for up to one additional year, in which case it would be until May 8, 1994), while the proposed treatment facilities are being constructed.

The other five facilities, i.e., BFGoodrich's facility in Calvert City, Kentucky, Pioneer's facility in St. Gabriel, Louisiana, PPG's facilities in Lake Charles, Louisiana and New Martinsville, West Virginia, and Vulcan's facility in Port Edwards, Wisconsin have met six of the required seven demonstrations in 40 CFR 268.5, but still need to execute actual contracts to construct or otherwise provide the necessary treatment capacity. To expedite processing of these applications, EPA is announcing its intent to propose (at this time) that all requirements in each of these five facilities' case-by-case applications have been met, other than the requirement of a binding contractual commitment. For these five facilities, EPA proposes to grant an extension of the effective data of the LDRs following EPA approval of documentation submitted by each of these five facilities that it has secured a binding contractual agreement to construct its retort unit or otherwise provide treatment capacity that will be capable of treating its D009 and K106 wastes to meet the established BDAT standards. As discussed above under the 40 CFR 268.5(a)(2) demonstration for each facility, EPA will ensure that 15 days are allowed for public comment on the documentation of a contractual commitment before taking final action on the relevant application. Until such time that EPA gives its final approval of an extension for any facility, that facility is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes.

For any application that is granted, the applicant must comply with the provisions of 40 CFR 268.5 (f) and (g), and must submit monthly progress reports addressing progress being made toward providing the necessary treatment capacity. EPA must also be notified of any change in the conditions specified in the application. The extension remains in effect unless the facility fails to make a good-faith effort to meet the schedule for completion, the Agency denies or revokes any required permit, conditions certified in the application change, or the facility violates any law or regulations implemented by EPA.

(Sections 1006, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924)).

Dated: March 12, 1992.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

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federal register

Thursday
March 19, 1992

Part X

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Airspace Reclassification; Final Rule; Technical Amendment

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 24456; Amendment No. 71-15]

RIN 2120-AB95

Airspace Reclassification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends § 71.1 of the Federal Aviation Regulations to clarify the incorporation by reference of FAA Order 7400.7, Compilation of Regulations. This action explains how the FAA will amend the listings of Federal airways, area low routes, jet routes and other airspace incorporated by reference in part 71 during the incorporation by reference period.

EFFECTIVE DATE: This amendment is effective as of March 19, 1992, through September 15, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. William Mosley, Air Traffic Rules Branch (ATP-230), Airspace Rules and Aeronautical Information Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9251.

SUPPLEMENTARY INFORMATION:

Background

FAA Order 7400.7 lists the airspace descriptions for all jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in § 71.1. The Director of the Federal Register approved the incorporation by reference of FAA Order 7400.7 in § 71.1 as of December 17, 1991 through September 15, 1993. However, § 71.1 did not describe how the FAA would handle changes to the airspace designations incorporated by reference in part 71. This rule explains how the FAA will amend these listings.

The Rule

During the incorporation by reference period, the FAA will process all proposed changes of the airspace listings in FAA Order 7400.7 in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of FAA Order 7400.7, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

This action is an amplification and clarification of an existing rule and does not place any new restriction or requirements on the public. Further, the FAA finds that this amendment does not involve a change in the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Because this action merely describes how the FAA will amend the listings contained in FAA Order 7400.7, the FAA finds that good cause exists, pursuant to 5 U.S.C. 553(d), for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 71

Airspace, Airways, and Jet routes, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

The complete listing for all jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points can be found in FAA Order 7400.7, Compilation of Regulations, which was last published April 30, 1991, and effective November 1, 1991. This incorportion by reference was approved by the Director the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.7 is effective as of December 17, 1991 through September 15, 1993. During the incorporation by reference period, proposed changes to the listings of jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the compilation and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of this order may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3484. Copies may be inspected in Docket Number 24456 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-10, room 915G, 800 Independence Avenue, SW., Washington, DC 20591 weekdays between 8:30 a.m. and 5 p.m., or at the Federal Register, 1100 L Street, NW., room 8401, Washington, DC. This section is effective as of December 17, 1991, through September 15, 1993.

Issued in Washington, DC, on March 13, 1992.

Harold W. Becker,

Acting Director, Air Traffic Rules and Procedures Service.

[FR Doc. 92-6398 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
March 19, 1992

Part XI

The President

Proclamation 6412—National Women in Agriculture Day, 1992

Proclamation 6413—Extending United States Copyright Protections to the Works of the People's Republic of China

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

Presidential Documents

Title 3—

The President

Proclamation 6412 of March 17, 1992

National Women in Agriculture Day, 1992

By the President of the United States of America

A Proclamation

As we Americans observe Women's History Month this March, we remember in a special way women who were pioneers in their respective fields—including women who were the first to pursue jobs and degrees traditionally held by men. Women have always played leading roles in American agriculture, however, and today they remain full working partners on our Nation's farms. On this occasion, we gratefully recognize their contributions and achievements.

In every generation, in times of adversity as well as in times of plenty, women have demonstrated the hardy spirit and the finely honed skills necessary to ensure the survival of the American farm. On the frontier, women helped to raise crops and care for livestock while meeting the numerous demands of home and family. During periods of conflict in our Nation's history—and, in particular, during the long and difficult years of the Second World War—women played critical roles in the management and operation of our farms and ranches.

Today new challenges confront American farm women as they strive to apply innovative agricultural methods and technology while meeting demands for better business practices. Women in agriculture are meeting those challenges with an increasing array of new skills and knowledge—and with the remarkable resilience and resolve that have long characterized the American farmer.

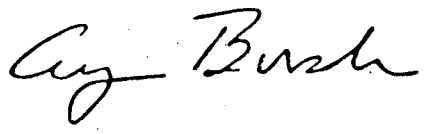
Through the grace of Almighty God and through the daily labors of the men and women who till the soil, plant the seeds, nourish the tender shoots, and reap the harvest, our Nation's farms are the most efficient and most productive in the world. In fact, America's farmers produce enough food and fiber to meet our Nation's needs and those of millions of people around the globe.

On this occasion, we offer special thanks to the women who serve on our Nation's farms. In agriculture as in virtually every other field of endeavor, women are making vital contributions to our families, communities, and country.

The Congress, by Senate Joint Resolution 176, has designated March 19, 1992, as "National Women in Agriculture Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 19, 1992, as National Women in Agriculture Day. I invite all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.



[FR Doc. 92-6652
Filed 3-18-92; 10:43 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 6413 of March 17, 1992

Extending United States Copyright Protections to the Works of the People's Republic of China

By the President of the United States of America

A Proclamation

Section 104(b)(5) of title 17 of the United States Code provides that when the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States of America or to works first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may extend protection under that title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which are first published in that nation.

Satisfactory assurances have been received that as of March 17, 1992, as provided in Article 3(9) of the Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China on the Protection of Intellectual Property (hereinafter the "Memorandum of Understanding"), China will grant to works of United States nationals and domiciliaries and works first published in the United States protection in the People's Republic of China on the same basis as works of Chinese nationals and domiciliaries and works first published in China which are not in the public domain.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by the authority vested in me by section 104 of title 17 of the United States Code, do find and proclaim that effective March 17, 1992, the conditions specified in section 104(b)(5) of title 17 of the United States Code have been satisfied in the People's Republic of China with respect to works of which one or more of the authors is, on the date of first publication, a national or domiciliary of the United States of America, or which are first published in the United States, and as of March 17, 1992, works of Chinese nationals and domiciliaries and works first pblished in the People's Republic of China are entitled to protection under title 17 of the United States Code.

I hereby request the Secretary of State to notify the Government of the People's Republic of China that the date on which works of Chinese nationals and domiciliaries and works first published in the People's Republic of China are entitled to protection under title 17 of the United States Code, is March 17, 1992, 60 days after the date of signature of the Memorandum of Understanding.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-6654
Filed 3-18-92; 10:52 am]
Billing code 3195-01-M

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Thursday, March 19, 1992

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